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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROWLAND MARCUS ANDRADE,  
  
Defendant.

Case No. 3:2-cr-00249-RS

**DEFENDANT ROWLAND MARCUS  
ANDRADE'S OPENING BRIEF  
OBJECTING TO GOVERNMENT'S  
PROPOSED FORFEITURE AND  
RESTITUTION ORDERS**

Judge: Hon. Richard Seeborg, Chief Judge

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1           **I. INTRODUCTION**

2           The government has not put the Court in a position from which the Court can award  
3 restitution or impose forfeiture in the amounts requested by the government, or in any other  
4 amounts. By ignoring the governing procedural rules, by providing only slapdash efforts at  
5 identifying and proving the amounts it seeks, and by proposing draconian totals, the government  
6 has left the Court with little choice but to award nothing in forfeiture and to deny at least  
7 substantial parts of the restitution request.

8           **II. THE GOVERNMENT’S REQUESTED FORFEITURES ARE**  
9           **INSUFFICIENTLY PROVEN AND EXCESSIVE**

10          While the government “does not have to prove forfeiture amounts with to-the-penny  
11 precision (or even anything very close to that),” the court must reject the government’s proposal  
12 when it is excessive or is shown to be inaccurate. *United States v. King*, 231 F. Supp 3d 872,  
13 984, 915, 953 (W.D. Okla. 2017) (noting need for government to use “some semblance of  
14 intellectual rigor,” and to offer “reliable reference points”); *see generally United States v. Griffin*,  
15 76 F. 4th 724, 750 (7<sup>th</sup> Cir. 2023) (for restitution, if the defendant is able to create real doubt  
16 about reliability, the burden shifts to the government to demonstrate accuracy). The forfeiture  
17 figure offered by the government is materially and demonstrably inaccurate, and it has no  
18 supporting schedule from which the accuracy of any portion of it can be confirmed. The Court  
19 should therefore reject the government’s requested forfeitures entirely, or at minimum,  
20 substantially reduce them.

21           **A. The Government’s Estimates Are Unreliable at Best**

22          As explained more fully in the subsections below, the government’s \$10,474,609 demand  
23 sweeps in substantial amounts that do not qualify for forfeiture. But even apart from including  
24 amounts not subject to forfeiture, what remains is unreliable. The largest single component of  
25 the government’s forfeiture demand is \$5 million, which it says is the amount that was paid into  
26  
27  
28

1 business bank accounts from the purchase of AML Bitcoin tokens from October 2017 to  
2 October, 2018. Ex. 1520-003. Needless to say, \$5 million is a round number that must be an  
3 estimate, but the method by which the estimate was derived from bank records is unexplained;  
4 there is no supporting schedule and no description of the tools used that is sufficient to allow the  
5 estimate to be checked. The second largest component of the \$10.4 million is \$2,874,609, which  
6 the government says is the amount paid in cryptocurrency to purchase tokens. Ex. 1520-005; Tr.  
7 1956:9-1959:5. Again, no supporting schedule is provided so that the amounts (reportedly  
8 drawn by Ms Chiu from binders, which were not prepared by a CPA or otherwise audited or  
9 verified), or the cash valuation given to them, can be verified.  
10

11 **B. The Government Erroneously Included Funds Beyond the Crime of Conviction**

12 Despite acknowledging that its forfeiture from Mr. Andrade must be based on the activity  
13 “*for which he was convicted at trial*,” Government’s Motion for Forfeiture Money Judgment at  
14 6:1-2 (emphasis added), the government’s \$10,474,609 demand, *id.* 3:1-8, is an amount that  
15 necessarily includes substantial funds from activity for which Mr. Andrade was *not* convicted at  
16 trial. *See* 18 U.S.C. § 981(a)(1)(D) (allowing only forfeiture of property that “represents or is  
17 traceable to the gross receipts obtained, directly to indirectly, from a violation of . . . section  
18 1343 (relating to wire fraud)). The most notable example is the \$2.1 million that the government  
19 claims that Mr. Andrade obtained “from investors in his AtenCoin scheme, which the Court  
20 found was inextricably intertwined with the AML Bitcoin fraud.” *Id.* at 3:6-7; Government’s  
21 Sentencing Memo, ECF 709, at 4:23-24. This is wrong in at least three different ways.  
22

23 First, the activity for which Mr. Andrade was convicted at trial did not begin until July  
24 2017; Indictment (Count One), ECF 1 at 6:4-5 (defining period of fraud as July 2017 through on  
25 or about October 2018); by that time, AtenCoin was defunct, and all of the \$2.1 million had  
26 already been paid. Tr. Ex. 1520-002. This alone disqualifies AtenCoin funds from being used as  
27 part of the forfeiture. *See, e.g., United States v. Robbins*, 2011 WL 3862054, at \*5 (N.D. Iowa  
28



1 2011), *report and recommendation adopted*, 2011 WL 3844094 (N.D. Iowa 2011); Stefan D.  
2 Cassella: *Criminal Forfeiture Procedure in 2012: An Annual Survey of Developments in the Case*  
3 *Law*, 48 No. 5 CRIM. LAW BULLETIN (Fall 2012) (“[b]ecause the forfeiture is limited to the  
4 offense of conviction, its scope is limited to the period of time in which that offense occurred, as  
5 alleged in the indictment”).<sup>1</sup>  
6

7 Second, the rationale for including AtenCoin is that it was “inextricably intertwined”  
8 with AML Bitcoin. United States’ Opposition to Defendant’s Motion In Limine to Exclude  
9 Evidence of Uncharged Bad Acts, ECF 441, at 12:10-23. Mr. Andrade respectfully disagrees  
10 with the Court’s decision that the two coins were inextricably intertwined, but finding that the  
11 two are inextricably intertwined means nothing more than that, in the Court’s view, the story of  
12 AML Bitcoin would be “incomprehensible or incoherent” without the AtenCoin evidence, or  
13 perhaps that the AtenCoin evidence provides “contextual or background information to the jury.”  
14 Marcus Andrade’s Motion in Limine to Exclude Allegations and Evidence of Uncharged Bad  
15 Acts, ECF 425 at 15:1-16:21. Admitting evidence under Rule 404(b) based on such findings  
16 does not prove that AtenCoin was a fraud; Mr. Andrade has twice demonstrated that the  
17 government did not prove that AtenCoin was a fraud, *see* Defendant’s Sentencing Memorandum,  
18 ECF 713, at 24:10-27:2; Defendant’s Reply to Government’s Sentencing Memorandum, ECF  
19 716, at 10:24-12:4, and the government has been unwilling to join issue. The government offers  
20 no authority even hinting that restitution can be awarded for conduct not proven to be a fraud,  
21

22  
23 <sup>1</sup> The Ninth Circuit does not appear to have addressed this precise issue. In *United States v. Lo*,  
24 839 F.3d 777, 794 (9<sup>th</sup> Cir. 2016), a case in which a defendant who pled guilty to some but not  
25 all of the mail and wire fraud charges in the indictment and argued that for purposes of forfeiture  
26 he could only be held responsible “for amounts traceable to his three specific uses of the wires or  
27 mail,” the court explained that the proceeds for forfeiture are the funds obtained “as the result of  
28 the commission of the offense.” It therefore allowed the government to seek forfeiture for the  
entire scheme alleged in the indictment, reasoning that by pleading guilty to one count of mail  
fraud that included the entire scheme, the defendant in effect pled guilty to the entire scheme. *Id.*  
But the entire scheme in Mr. Andrade’s indictment started after AtenCoin was done, and alleges  
only fraud relating to AML Bitcoin.

1 merely because as an evidentiary matter the story of the charged offense would be incoherent  
2 without evidence of that conduct.

3 Third, while the government gives the impression that the entire \$2.1 million is  
4 attributable to the purchase of AtenCoins (which is what assertedly was inextricably intertwined  
5 with AML Bitcoin), some of those funds—\$884,050.53—were purchases from Mr. Andrade of  
6 shares of ownership of CrossVerify.<sup>2</sup> Appendix D. The government did not at trial, in its  
7 sentencing memorandum, or in its forfeiture motion, even claim that Cross Verify was a fraud,  
8 or, if it was, that Mr. Andrade, who held no leadership position within Cross Verify, participated  
9 in the supposed fraud or said anything about Cross Verify that was not based on reports he  
10 received from those who were working there.<sup>3</sup> To the contrary, the evidence at trial was that  
11 CrossVerify, which was incorporating biometric identification into AML Bitcoin’s blockchain,  
12 was a viable product that could be and was sold and used separately, and that garnered interest  
13 from numerous sophisticated institutions that examined it, such as the London Stock Exchange,  
14 Citigroup, Uphold, Barclay’s, and Ernst & Young.<sup>4</sup> As a result, there is no basis for including  
15 the proceeds of Cross Verify shares in the forfeiture.

### 16 **C. The Government Erroneously Double-Counted Cryptocurrency Income**

17 That the government’s numbers have been presented in a way that cannot be checked  
18 should by itself cast sufficient doubt on their reliability, but even more importantly, it appears –  
19 and the defense can only speak of appearances given the absence of supporting schedules – that  
20

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21 <sup>2</sup> See Defendant’s Sentencing Memorandum, ECF 713, at 23:7-24:9. Mr. Andrade’s total  
22 personal share sales amounted to \$1.2 million, of which \$726,610.53 was directed to the business  
23 accounts the government used to calculate the \$10.4 million loss figure. See Tr. Ex. 1520 at 2-5.

24 <sup>3</sup> See, e.g., Attach-1, (2016.01.12 WH Ireland CrossVerify Presentation) at 9 (showing Mr.  
25 Andrade was not a member of the board of directors and did not have a leadership position in the  
26 company); Attach-2 (2016.12.07 Companies House Registry), showing Mr. Andrade’s  
27 Termination as a CrossVerify director in July 2016.

28 <sup>4</sup> See Attach-3 (2018.07.24 CrossVerify Weekly Management Update); Attach-4 (2018.08.14  
CrossVerify Weekly Management Update); Attach-5 (2018.04.04 LSE Update Email).

1 the numbers include a material amount of double-counting. That is, as the prices of digital  
 2 currencies were dropping dramatically,<sup>5</sup> Mr. Andrade sold his cryptocurrency and put into his  
 3 business at least \$770,357.98 of the money received in cryptocurrency for ICO sales in 2017 and  
 4 early 2018: he did so in three deposits, made in May, June and July of 2018.<sup>6</sup> These deposits  
 5 were made into the same accounts from which the government, based on deposits into the  
 6 account, derived its \$5 million estimate.  
 7

8 As a result, the government double counted at least \$770,257.98. That the government  
 9 likely made an error of this magnitude – over 15% of the \$5 million it demands is ostensibly  
 10

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11 <sup>5</sup> Between January 7, 2018 and July 15, 2018, Bitcoin fell from \$17,597 to \$6,256, a 64.5% drop,  
 12 while Ethereum fell from \$1,153 to \$449, a 61% drop. The remaining cryptocurrency income  
 13 was expended to acquire the services of ICOBox for hosting the AML Bitcoin ICO (~\$50,000 in  
 14 LiteCoin), *see* Attach-6 (2018.02.10 ICOBox Payment); and to list AML Bitcoin on the Ovis  
 15 exchange (\$138,698.64 in LiteCoin and Bitcoin, *see* Attach-7 (Ovis Listing Fee Payments on  
 16 Blockchain Explorer) and Attach-8 (2018.04.22 Ovis Listing Emails), Exrates exchange  
 17 (\$26,606 in Bitcoin, *see* Attach-9 (Exrates Listing Fee Payment on Blockchain Explorer) and  
 Attach-10 (2018.03.25 Exrates Listing Email), and C-CEX Exchange (\$95,715 in Bitcoin, *see*  
 Attach-11 (2018.03.25 C-CEX Listing Fee Payment on Blockchain Explorer)), for a total of  
 additional expenditures amounting to \$311,019.

18 <sup>6</sup> Mr. Andrade, using Block Bits' services as coordinated by David Mata, converted  
 19 cryptocurrency he had obtained in the early ICO sales. The income to NAC Payroll from May  
 20 (\$235,261), June (\$222,782.80), and July, 2018 (\$312,314.18) total \$770,357.98. *See* Attach-12  
 21 (Block Bits LLC's bank statements, excerpts from account ending in 8602, May, June, and July  
 22 2018); Attach-13 (FBI-302-001761 dated 9-24-2018), and Attach-14 (FBI-302-001763 dated 9-  
 23 26-2018, Mata explaining that he cashed out Mr. Andrade's cryptocurrency for him for a  
 24 fee); Attach-15 (page 1 of FBI-302-005323, reporting an interview from 8-24-2019, same, and  
 25 also noting that "[O]n or about May 2018 . . . Dillman stated Marcus Andrade needed to get a  
 26 large quantity of Ethereum cleared within the next hour. . . . Mata liquidated all the crypto-  
 27 currency and wired it to a bank account provided by Andrade," after subtracting a service fee;  
 "Mata recalled the vast majority being Ethereum, but there may have been some Bitcoin."). By  
 the time Mr. Andrade began converting the crypto received into dollars in May 2018, its value  
 had declined significantly. At the time the cryptocurrency was used to buy AML tokens, the  
 value was about \$2,361,620. Through the transactions corresponding to the three dates shown on  
 the Block Bits bank deposits into Mr. Andrade's NAC account, the bulk of the cryptocurrency  
 was expended. In other words, despite having received over two million dollars worth of  
 cryptocurrency, Mr. Andrade only was able to use about one-third of its original value.

wrong – puts in question the accuracy of all the government’s figures. At a minimum, it leaves those figures without ‘sufficient indicia of reliability to support [their] probable accuracy.’” *See United States v. Garcia-Sanchez*, 189 F.3d 1143, 1148-49 (9th Cir.1999) (vacating a sentence and remanding, holding that “the district court had ... an independent obligation to ensure that the sentence was supported by sufficient, reliable evidence”).

**D. The Government’s Proposed Forfeiture Erroneously Includes Funds That Did Not Come to Rest with Mr. Andrade**

Even assuming the accuracy of the government’s assertion that Mr. Andrade received \$10,474,609 from the sale of his coins and tokens, the government swept into that number various funds that it was required to identify and remove. The government made no effort to identify and remove funds that did not “[come] to rest” with Mr. Andrade. *United States v. Thompson*, 990 F.3d 680, 691 (9th Cir. 2021). This reduction is necessary to implement the determinations of the Supreme Court and the Ninth Circuit that forfeiture cannot be based merely on joint and several liability. *Honeycutt v. United States*, 581 U.S. 443 (2017); *Thompson*, 990 F.3d 680. The government bears the burden of proof on forfeiture by preponderance of the evidence, including on issues relating to joint and several liability. *King*, 231 F. Supp. 3d at XXX . *See generally United States v. Haleamau*, 887 F. Supp. 2d 1051, 1058 (D. Haw. 2012) (requiring government to prove that seized funds were traceable to the illegal structuring); *United States v. Garcia-Guizar*, 160 F.3d 511, 518 (9th Cir. 1998) (finding that the government failed to prove that all of the recovered money from the defendants were proceeds of drug activity).

Of the \$10.4 million claimed by the government, at least \$1,283,987.24 to \$1,563,987.25 did not come to rest with Mr. Andrade, but instead ended up with one of his co-conspirators or their proxies: (1) David Mata received \$75,000 in commissions for his role in facilitating post-

1 ICO purchase agreements;<sup>7</sup> (2) Jack Abramoff received at least \$307,000 for his consulting  
 2 services and commissions on sales, facilitated the delivery of \$49,700 to his son Lev Abramoff  
 3 for the aborted *Bitcoin Brigade* documentary, and facilitated delivery of \$300,000 to Frames Per  
 4 Second Productions, at least \$20,000 of which the defense has been able to track as having gone  
 5 into Abramoff's personal possession;<sup>8</sup> (3) John Bryan received \$27,000 for his consulting  
 6 services; (4) Japheth Dillman and the company for which he was a C-Suite member, ICO Box,  
 7 received approximately \$200,000 (326.8 LiteCoin, 7 Bitcoin, and 385 Ethereum), for supporting  
 8 the AML Bitcoin ICO;<sup>9</sup> (5) BlockBits Capital (Dillman and Mata) received \$300,000 (450 ETH)  
 9 for other claimed services; and (6) for their work selling AtenCoin, Brian Darrow received  
 10 \$277,835, Bob Parsons – for whom Darrow was initially a contractor – received \$113,429, and  
 11 Mark DiAdamo – who also was initially contracted with Parsons – received \$380,690.25.

12 Appendix A; Attach-18 \$25,000 receipt for check to John Bryan's company the Watley Group.

13 Of the listed individuals, the government has identified Abramoff, Mata, and Dillman as  
 14 co-conspirators. *See* Government's Motion to Admit Co-Conspirator Statements, ECF 449, at  
 15 5:18-6:16. The government's claims regarding John Bryan and the testimony it elicited from him  
 16

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18 <sup>7</sup> There is also evidence that Mr. Andrade provided \$300,000 (450 Ethereum) to BlockBits  
 19 Capital (Dillman and Mata) on April 28, 2018, *see* Attach-22 \$300,000 Payment to Dillman and  
 20 Mata, however, given the government's failure to properly identify or provide a schedule for  
 21 cryptocurrency transactions in the case, the defense cannot verify whether this transaction was  
 22 part of the \$770,257.98 the government double-counted.

23 <sup>8</sup> *See* Attach-X FBI-302-019490 at 2. Mark Kalbfeld, owner of Frames Per Second, was directed  
 24 by Abramoff to include \$20,000 in the production budget for Abramoff's pay, which was in fact  
 25 directed to Abramoff according to bank statements.

26 <sup>9</sup> Japheth Dillman was the Chief Strategy Officer for ICOBox. *See* Attach-17 (Dillman's  
 27 employment contract addendum, provided in discovery, marked  
 28 ANDRADE\_DOJ00000\_00022141). ICOBox was separately investigated by the Securities and  
 Exchange Commission, which sued ICOBox for illegal securities offerings and for acting as  
 unregistered brokers for digital assets, and ICO Box was ordered to disgorge over \$16 million  
 and pay civil penalties. *See Securities and Exchange Commission v. ICOBox et al.*, No. CV 19-  
 8066 DSF (Ex) (C.D. Cal. Mar. 10, 2020).

1 at trial framed him as a co-conspirator.<sup>10</sup> The same is true of salespeople Darrow, Parsons, and  
 2 DiAdamo; the government characterized each of them as participants in Mr. Andrade's scheme  
 3 to defraud with knowledge of the alleged falsity of the claims they were making about AtenCoin  
 4 in pursuit of their 30-40% commissions.<sup>11</sup>

5 In each of these instances, the accounts where the co-conspirators received their funds  
 6 were the funds' final resting place, and Mr. Andrade's accounts were mere "stops on the way to  
 7 splitting up the money, not jointly controlled deposits where the money came to rest."  
 8 *Thompson*, 990 F.3d at 691. All these funds were only ever in Mr. Andrade's accounts while en  
 9 route to co-conspirators, and cannot be the subject of a forfeiture order.

11 <sup>10</sup> In closing argument, government counsel stated, "People that Andrade hired knew [that people  
 12 would view the Super Bowl rejection campaign negatively if they knew about it]. John Bryan  
 13 wrote, "The written proposal will pretend we really are buying a Super Bowl ad because if  
 14 anybody gets this in discovery or something like that, I don't want it to look like *we* planned to  
 15 do this." Well, members of the jury . . . that's exactly what *they* were trying to do." Tr. 2996:24-  
 16 2997:6 (emphasis added). The government characterized statements between Abramoff and  
 17 Bryan as co-conspirator statements to the Court. *See* Tr. 2061:24-2062:1. *See also* Government's  
 18 Motion to Admit Co-Conspirator Statements, ECF 449, 20:20-21:20 (laying out Bryan's  
 19 cooperation in creating Project Sunshine and engaging in allegedly secret market making on  
 20 behalf of Mr. Andrade) and 18:20-19:20 (discussing John Bryan as the "anticipated trial witness  
 21 leading the production of the Super Bowl "ad" and his efforts with Abramoff to hide the  
 22 rejection campaign). *See also* Attach-21, FBI-302-005128, pages 2-3 (search warrant affidavit  
 23 excerpt), where affiant Ethan Quinn indicates John Bryan is a co-conspirator with Mr. Andrade  
 24 and others.

25 <sup>11</sup> The government argued that government victims heard lies "firsthand from Marcus Andrade  
 26 and one of his salespeople, Brian Darrow," who was "a known convicted fraudster, convicted  
 27 felon, who Marcus Andrade hired," and "who had no scruples about calling people up to demand  
 28 money from them for made-up products," and who took a "secret commission" on the money he  
 brought in. *See* Tr. 3001:24-3002:12. Darrow testified that he was initially contracted with  
 Parsons, *see* Tr. 446:4-11, expressed the method that he and other sales agents used with Parsons  
 and Andrade to get paid, *see* Tr. 448:8-19, and stated that Parsons was the person who set his  
 commission rate and was the person who initially received funds from NAC, *see* Tr. 459:11-25.  
 Rene Acuna testified that Parsons was part of communications he had with the NAC Foundation  
 when making his first AtenCoin purchase in 2015. *See* Tr. 645:14-646:8. The government  
 elicited testimony from Brandi Jodoin that DiAdamo was the VP of Sales for the NAC  
 Foundation and was the first person to introduce her and Corey Jodoin to AtenCoin in a cold  
 sales call, that he and Mr. Andrade appeared to have some type of friendship, *see* Tr. 263:23-  
 264:21.



**E. The Government’s Proposed Forfeiture Erroneously Includes Criminal Activity**  
**Mr. Andrade Did Not Agree To Undertake**

The government has errantly attempted to hold Mr. Andrade accountable for conduct unrelated to “the criminal activity that the particular defendant agreed to jointly undertake.” *United States v. Bailey*, 973 F.3d 548, 574-75 (6th Cir. 2020) (holding that “criminal activity for sentencing guidelines purposes is not as broad as conspiracy liability,” that defendants “can only be held accountable for the ‘criminal liability that [they] agreed to jointly undertake,’ and that restitution is distinguishable because the sentencing guidelines “serve a punitive purpose”). Given that forfeiture, like the guidelines, is punitive, going beyond activity that Mr. Andrade jointly agreed to undertake overstates his allegedly ill-gotten gains. Two sets of transactions should be excluded from forfeiture on this basis.

First, two co-conspirators, Dillman and Mata, using their entity Block Bits Capital and acting for their own investment purposes, bought \$458,380 worth of AML Tokens, *see* Appendix B; the tokens were then used by Block Bits to conduct Dillman and Mata’s own, separate fraud scheme, lining their own pockets and undermining a central tenet of Mr. Andrade’s business – a subterfuge that was hidden from Mr. Andrade, and that he did not learn about until long after Dillman and Mata’s separate scheme was completed. ECF 713-7. In addition, a significant portion of the funds attributable to transactions Boyer engaged in with Blockbits Capital—\$1,105,000—were attributable to activities that Mr. Andrade not only did not participate in, but that also violated Mr. Andrade’s company policies and were used to cheat Mr. Andrade.<sup>12</sup> *See* Reply to the Government’s Sentencing Memorandum, ECF 716, at 21:24-22:13; Appendix C. None of these transactions were part of the criminal activity that Mr. Andrade agreed to jointly

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<sup>12</sup> This objection does not apply to funds that Mr. Boyer delivered to Mr. Andrade through private post-ICO purchase agreements, because those transactions—totaling \$125,000—while facilitated by BlockBits Capital, were accomplished pursuant to contracts Mr. Boyer entered with Mr. Andrade directly. *See* Tr. Ex. 602.

1 undertake and therefore should be excluded from the forfeiture calculation based on the  
 2 principles for punitive aspects of sentencing articulated in *Bailey*.

3  
 4 In sum, the Court should reject the government's requested forfeitures entirely, but at  
 5 minimum and subject to further arguments below, should reduce the forfeiture by at least  
 6 \$5,151,775.76 due to low-quality, unverifiable data, unreliable estimates, double-counting,  
 7 inclusion of funds beyond the crime of conviction, inclusion of funds that came to rest with co-  
 8 conspirators rather than Mr. Andrade, and inclusion of funds unrelated to activity in which Mr.  
 9 Andrade jointly agreed to participate. *See* Appendix E.

### 10 **III. THE GOVERNMENT'S REQUESTED RESTITUTION IS INSUFFICIENTLY** 11 **PROVEN AND EXCESSIVE**

12 The government's effort to meet its burden of proof on restitution can be charitably  
 13 described as slapdash. Its request for restitution in the amount of \$4,597,205.88 is substantially  
 14 inflated with elementary oversights, erroneous inclusion of ineligible claims, and claims not  
 15 supported by the data provided and/or based on other evidence. The Court should therefore  
 16 order no restitution whatsoever. If the Court does order restitution, the amount should be  
 17 reduced substantially.

#### 18 **A. No Restitution Should be Awarded**

19 No restitution should be awarded because the government made no effort to satisfy  
 20 fundamental prerequisites for awarding it. The government made no effort to prove direct and  
 21 proximate causation,<sup>13</sup> or, with only a few exceptions, reliance. *See United States v. Stein*, 846  
 22 F.3d 1135, 1153 (11<sup>th</sup> Cir. 2017) ("the parties agree that the government must show that the  
 23 investors relied on Mr. Stein's fraudulent information to satisfy the "but for" causation  
 24 requirement under U.S.S.G. § 2B1.1"); *United States v. Farano*, 749 F.3d 658, 666-67 (7<sup>th</sup> Cir

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25  
 26 <sup>13</sup> As one example, Lisa T.'s claim seeks attorney's fees, among other things, for dealing with a  
 27 default judgment entered against her; the government makes no effort to establish that Mr.  
 28 Andrade was the proximate cause of any such loss.



2014) (suggesting banks were not victims for restitution purposes absent evidence they relied on the defendants' original fraud).

Nor did the government do basic checking of what it presented to the Court, such as removing duplicates. Its claim that “nearly 300 victims provided loss amounts or victim impact statements” *see* Government’s Sentencing Memo, ECF 709, at 12:2-5, is false because it errantly includes one prankster and 24 duplicate victim entries, *see* Appendix F – only one of which the government caught and marked as “duplicate,” *and then included it anyway*.<sup>14</sup> In addition, the government used for its total demand whatever the victims reported, even when the government’s efforts to substantiate the victims’ claims came up with a far lower number. *See* Appendix G. And the low-quality information the government collected addresses only what alleged victims *paid*, as opposed to what they *lost*, a meaningful difference given that there was selling on exchanges for value; as a result, without more, there is nothing to suggest that what victims paid equates to what they lost for restitution purposes. *See, e.g., United States v. Waknine*, 543 F.3d 546, 558 (9th Cir. 2008) (rejecting victim statements that were too summary, declaring it “unreasonable to expect a defendant to be able to counter evidence provided by the victim concerning attorneys’ fees,” and explaining that “it is the responsibility of the government, aided by the victim, to provide adequate reliable evidence”).<sup>15</sup>

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<sup>14</sup> Attach-19 (excerpt of government’s restitution calculation).

<sup>15</sup> Although for the reasons in the text the government bears the burden of showing actual losses as opposed to merely purchases, there is ample evidence that substantial numbers of tokens were sold on exchanges, including by alleged victims who are seeking restitution. ECF 713-7. Other evidence exists in a movie format; to wit: Discord chats monitored by an undercover agent who recorded moving text indicated that Ben Boyer—on May 2, 2018—chatted about an AML Token investor who was willing to buy tokens for one dollar, and another user, victim-claimant Maurice M., who had invited Boyer to the chat, was interested in selling to Boyer. (Reference is found at *discord 5-2-18 full day.mov* at timestamp :25-:27 seconds.) In another recording of the text-based online conversation, it was discussed that claimants Lisa T. and Maurice M. had sold their tokens to private buyers the day before the tokens were listed on the exchange. (Reference is found at *discord 5-5 to 5-7 am.mov* at timestamp 2:12.) *See also* Attach-20 (3-9-2020 agreement between victim-claimant Daniel A. and Blockbits, to sell his ABTC via Block Bits’ services); ECF 713-7 at 4 (Mata referencing making profits trading AML tokens).

1 This cavalier approach means that the government has failed to present “reliable and  
 2 specific evidence” to support a restitution award, as it is required to do. *United States v.*  
 3 *Sheffield*, 939 F.3d 1274, 1278 (11th Cir. 2019) (vacating restitution order); *United States v.*  
 4 *Giltner*, 889 F.2d 1004, 1008 (11th Cir. 1989) (“right not to be sentenced on the basis of  
 5 inaccurate or unreliable information”); *Waknine*, 543 F.3d at 556 (“the district court[may] utilize  
 6 only evidence that possesses ‘sufficient indicia of reliability to support its probable accuracy’”).  
 7 When a total is a simple computational exercise, “[r]estitution . . . requires an exact figure.”  
 8 *United States v. Caputo*, 517 F.3d 935, 943 (7th Cir. 2008). Having failed to satisfy numerous  
 9 fundamental elements needed to award restitution, the government has not satisfied its burden of  
 10 proof and its demand should be rejected *in toto*; it is neither the Court’s nor the defendant’s job  
 11 to compute the correct figure. *Waknine*, 543 F.3d at 546 (district court abused its discretion by  
 12 relying exclusively on summaries provided by victims); *United States v. Brock-Davis*, 504 F.3d  
 13 991, 1002 (9th Cir. 2007) (“[T]he government must provide the district court with more than just  
 14 . . . general invoices . . . ostensibly identifying the amount of their losses”).

15 **B. If the Court Nonetheless Awards Restitution, It Should Award Far Less than**  
 16 **the Government’s Demand**

17 As further evidence of the government’s failure – or, in the alternative, as a basis for a  
 18 substantially lower restitution figure – specific errors are identified below, complete with names  
 19 of victims for whom restitution should be rejected in whole or in part, and, for those whose  
 20 claims should be rejected in part, a minimum amount by which their claims should be reduced.

21 The Government’s Restitution Figure Erroneously Includes Duplicates

22 Appendix F identifies duplicate victims in the government’s submission. As detailed  
 23 therein, these duplicates represent \$34,701 in claimed losses that must be excluded.

24 The Government’s Figures Are Facially Inconsistent and Insufficiently Substantiated

25 Appendix G identifies restitution claims that lack substantiation or that are contradicted  
 26 by more reliable evidence. The government’s final restitution figure of \$4,597,080.88 is nothing  
 27 more than the sum of all victim claims (including the aforementioned 24 duplicates and the  
 28

1 prankster), without regard for their validity.<sup>16</sup> The government had and employed means to  
2 check veracity, namely: (1) verification using bank records, (2) verification using an NAC  
3 Foundation-produced purchaser schedule (the one unaudited and unverified data mentioned  
4 above), and (3) verification using claimant-provided sources, but merely went with  
5 unsubstantiated victim claims, even when those claims were contradicted by other sources.

6 After removing duplicates and the prankster, 266 alleged victims remain, of which only  
7 103 submitted any substantiation for their losses. Appendix G. Even allowing the government  
8 to fill in gaps in substantiation using bank records and the NAC Foundation purchaser schedule,  
9 ten alleged victims remain for whom the government has identified no substantiation  
10 whatsoever, amounting to \$493,497.16 in claimed losses. Appendix H. This is an insufficient  
11 basis for restitution. *Waknine*, 543 F.3d at 546 (district court abused its discretion by relying  
12 exclusively on summaries provided by victims); *Brock-Davis*, 504 F.3d at 1002 ("[T]he  
13 government must provide the district court with more than just . . . general invoices . . .  
14 ostensibly identifying the amount of their losses").

15 Of the victims for whom there is substantiation, there are numerous conflicts between the  
16 government's cited sources, with the government occasionally presenting as many as four  
17 contradicting loss figures for a single victim. For example, victim Kelly C. claimed \$100,000 in  
18 losses, but the government's three sources of verification each conflict and none of them come  
19 anywhere near the claimed figure; the bank statements show \$8,526.50 in purchases, the NAC  
20 Foundation schedule shows \$30,000.33, and the victim's submitted evidence shows \$40,480.06.  
21 Appendix G. Nonetheless, the government included the full \$100,000 in claimed losses within  
22 its restitution figure. *Id.* This pattern repeats across 127 claimants, with a total overstatement of  
23 at least \$1.5 million. *Id.*

24 The Government's Restitution Figure Includes Victims Ineligible for Restitution

25  
26  
27 <sup>16</sup> Inscrutably, the figure the government submitted to the Court exceeded its own already exaggerated sum of the  
28 victim's restitution claims by \$3,000.

1           Some of the claimants are ineligible for restitution because their claims are founded on  
 2 conduct other than that charged in the indictment and for which Mr. Andrade was convicted. *See*  
 3 *United States v. May*, 706 F.3d 1209, 1214 (9th Cir. 2013) (a district court “may award  
 4 restitution . . . only for loss that flows directly from the specific conduct that is the basis of the  
 5 offense of conviction”); *Griffin*, 76 F. 4th at 724; 18 U.S.C. § 3663(a)(1)(A) (“when sentencing a  
 6 defendant convicted of an offense under this title, the court may order “that the defendant “make  
 7 restitution to any victim *of such offense*”); 18 U.S.C. § 3663(a)(1)(B) (“The court, in determining  
 8 whether to order restitution under this section, shall consider . . . the amount of the loss sustained  
 9 by each victim *as a result of the offense* (emphasis added).

10           *AtenCoin purchasers.* Among claimants are victims whose losses are only associated  
 11 with AtenCoin as opposed to AML Bitcoin, the only fraud charged in the indictment. AtenCoin  
 12 was not a fraud, or if it was, the extent of Mr. Andrade’s culpability for it was never established,  
 13 *see* Defendant’s Sentencing Memo, ECF 713 at 24:10-27:2; regardless, Mr. Andrade was not  
 14 charged with fraud related to AtenCoin, money spent purchasing AtenCoin is not loss flowing  
 15 from the “*specific conduct* that is the basis of the offense of conviction,” *May*, 706 F.3d at 1214  
 16 (emphasis added), and AtenCoin purchases were outside the dates charged in the indictment.  
 17 Using the government’s provided figures, as identified in Appendix 3, there are 18 such  
 18 AtenCoin victims, accounting for \$851,646.51 in AtenCoin cryptocurrency and investments in  
 19 the NAC Foundation that should be excluded from restitution.<sup>17</sup> Appendix I.

20           *CrossVerify Share purchasers.* As extensively discussed in Mr. Andrade’s sentencing  
 21 memo, not only was CrossVerify not charged as part of the AML Bitcoin scheme, but the  
 22 government never presented any evidence, either during trial or in the course of sentencing, that  
 23 this well-financed, expertly-staffed company, with an impressive product and clientele suitors,  
 24 was in any way fraudulent. *See* ECF 713, at 23:7-24:9. Using the government’s provided  
 25

26  
 27 <sup>17</sup> Brandi Jodoin is the only victim to have made a claim for losses due to investments in the  
 28 NAC Foundation , in the amount of \$304,271.51 in addition to her claims for AtenCoin losses.

1 figures, among the victim claimants, two make claims for losses associated with CrossVerify  
 2 share purchases totaling \$95,000 that should be excluded from restitution. Appendix I.

3 *Purchasers outside the time period of the indictment.* The government improperly seeks  
 4 restitution for alleged victims who purchased coins or tokens before and after the time period  
 5 charged in the indictment. *See* Indictment (Count One), ECF 1 at 6:4-5 (defining period of  
 6 fraud as July 2017 through on or about October 2018). Making no effort to weed out those who  
 7 purchased outside the time period of the indictment, the government included \$851,646.51 from  
 8 pre-indictment transactions, *see* Appendix I, and \$100,000 from post-indictment transactions.<sup>18</sup>  
 9 *See* Appendix J.

10 None of those transactions are eligible for restitution. *United States v. De Leon*, 728 F.3d  
 11 500, 507 (5th Cir. 2013) (vacating restitution order, explaining in conspiracy case that  
 12 “[r]estitution is limited to the loss actually caused by the offense of conviction, the time span of  
 13 which is defined by the “*specific* temporal scope” of the indictment, and [t]hus, restitution cannot  
 14 be awarded for “losses” attributable to conduct outside the temporal scope of the scheme  
 15 charged); *United States v. Gray*, 121 F. 4th 578, 587 (6th Cir. 2024) (remanding conspiracy and  
 16 fraud restitution award, explaining that “[e]very circuit to consider the question has looked at it  
 17 the same way. If an indictment alleges that a conspiracy began on a certain date, they all say, a  
 18 defendant may not be held responsible for losses that occurred before that date”); *United States*  
 19 *v. Allen*, 983 F.3d 463, 472-73 (10th Cir. 2020) (MVRA requirement that restitution be limited to  
 20 the offense of conviction “necessarily includes the temporal limits of the offense as outlined in  
 21 the indictment,” holding that a restitution order cannot compensate for losses stemming from  
 22 conduct that occurred outside the charged period); *see generally* 18 U.S.C. § 3663(a)(1)(A)  
 23 (“when sentencing a defendant convicted of an offense under this title, the court may order “that  
 24 the defendant “make restitution to any victim *of such offense*”); 18 U.S.C. § 3663(a)(1)(B) (“The  
 25

26 \_\_\_\_\_  
 27 <sup>18</sup> The pre-indictment transactions are also erroneously included on one of two other grounds  
 28 mentioned in the text immediately above relating to AtenCoin and Cross Verify.

1 court, in determining whether to order restitution under this section, shall consider . . . the  
 2 amount of the loss sustained by each victim *as a result of the offense* (emphasis added).<sup>19</sup>

3 Restitution for conduct outside the indictment period is therefore prohibited. That should  
 4 be especially true in this case, in which the government objected to, and the Court excluded,  
 5 defense evidence that post-dated the indictment period.

6 *Some of Ben Boyer's purchases.* The claim of Ben Boyer includes \$1,105,000 paid by  
 7 Boyer that Mr. Andrade did not solicit, that was a part of Dillman's investment scheme that was  
 8 hidden from Mr. Andrade and designed to make Dillman and Mata (and not Mr. Andrade)  
 9 billions, and that undermined a central tenet of Mr. Andrade's business by using AML Bitcoin  
 10 without Mr. Andrade's knowledge as an investment in Dillman's fund.<sup>20</sup> *See* Appendix C.  
 11 Given the evidence that Block Bits Capital was selling AML Tokens in ways Mr. Andrade  
 12 prohibited and that Dillman and Mata were cheating Mr. Andrade, these purchases were "beyond  
 13

---

14 <sup>19</sup> One of the purchasers who is ineligible for restitution because he purchased after the  
 15 indictment period, Daniel A, is also ineligible for an additional reason: he was not the victim of  
 16 fraud. Daniel A. bought tokens through a private purchase, brokered by David Mata, who  
 17 refused Mr. Andrade's request to meet Daniel A. personally in October 2018, and again in  
 18 January 2019. In early 2019, Daniel A. had a direct conversation with Mr. Andrade, who told  
 19 Daniel A that the AML Bitcoins were not ready, that they were tokens, not coins, that were in  
 20 place with firm deals for their use, and that they were not being sold for investment purposes. If  
 the Court does not invalidate Daniel A.'s request based on the date of his purchase, the Court  
 should either deduct \$300,000.00 from the total amount of restitution ordered, or at least hold a  
 hearing (some of which may be after the date of the scheme). If there is any dispute about these  
 facts, Mr. Andrade requests a hearing.

21 <sup>20</sup> *See* ECF-713-7 (recording of Mata reporting profits in trading AML Bitcoin tokens); *see also*  
 22 Trial Exhibit 3054 (Block Bits plans discussed in December 2017 email: Mr. Andrade is not  
 23 included); Ling's trial testimony (undercover officer; testified that he knew Mr. Andrade's own  
 24 website's terms and conditions for sale during the ICO involved a prohibition on investments) at  
 Tr. at 2110 at 8-13 and *see* Exhibit 2471 (Mr. Andrade specified he was selling tokens as a  
 25 means of exchange not to be used as investments, while Dillman's seminar offered investments);  
 and ECF 716-6, p.2 (12-21-2018 email from Dillman to Mata admitting he hid how many tokens  
 26 he bought from Mr. Andrade). *See also* ECF 716-7 at 3 (Boyer breaking down his token  
 27 purchases). The government has not attempted to show, other than with the transaction in Count  
 One, that the money went directly to Mr. Andrade, and Mata has admitted that Black Bits took  
 28 profits from these transactions. *See* ECF 713-7.



1 the criminal activity that [Mr. Andrade] agreed to jointly undertake,” and should not be a basis  
 2 for restitution. *Cf. Bailey, supra*, at 575. As a result, Boyer’s claim for restitution from Mr.  
 3 Andrade should be reduced by \$1,105,000.

4 Any restitution should be apportioned

5 According to the government, Mr. Andrade, Mata, Dillman, and Abramoff (among  
 6 others) were part of the same conspiracy or scheme. Given Mr. Andrade’s lack of future income  
 7 as detailed in the presentence report, his three dependents who also lack income, and given the  
 8 liability of sophisticated and culpable co-schemers such as Abramoff, the Court should apportion  
 9 the restitution liability. *See 18 U.S.C. § 3664(h)* (where the court finds more than one defendant  
 10 “has contributed to the loss of a victim, the court may make each defendant liable for payment of  
 11 the full amount of restitution or may apportion liability among the defendants to reflect the level  
 12 of contribution to the victim's loss and economic circumstances of each defendant”). That the  
 13 government elected to charge Abramoff in a separate case instead of this one for its own strategic  
 14 reasons should not matter; otherwise the government could deprive the Court of its statutory  
 15 ability to apportion restitution.<sup>21</sup>

16 The Most Generous Restitution Figure for Substantiated Victim Loss Claims Falls Far Below the  
 17 Government’s Unsubstantiated, Contradictory, and Duplicative Claims

18 While the government failed to meet its burden on restitution and the Court should  
 19 therefore not award any, based on the arguments above any restitution award has to be reduced  
 20 by at least \$3,653,957.11. If the Court does award restitution in any amount, given Mr.  
 21 income and the fact that he has three dependents who also lack income, it should at most impose  
 22 a nominal periodic payment schedule under 18 U.S.C. § 3664(f)(2) and (3).  
 23

24 **IV. THERE IS NO STATUTORY BASIS FOR A MONEY JUDGMENT**  
 25 **FORFEITURE AND ANY SUCH JUDGMENT IS UNCONSTITUTIONAL**

26 <sup>21</sup> The same is true for Mata and Dillman, who were charged only with their own separate  
 27 scheme, again for the government’s strategic benefit, while also being threatened with  
 28 prosecution for the scheme charged in Mr. Andrade’s indictment.

1 Sprinkled within the government’s request for a “forfeiture money judgment” are  
2 references to Federal Rule of Criminal Procedure 32.2 and 18 U.S.C. § 981, but neither provides  
3 a basis for a “money judgment” forfeiture. To the contrary, the advisory committee in its notes  
4 to Rule 32.2. goes out of its way to state that while “a number of cases have approved use of  
5 money judgment forfeitures,” the committee “takes no position on the correctness of those  
6 rulings.” Fed. R. Crim. P. 32.2, Advisory Committee Notes (2000). 18 U.S.C. § 981(a)(1)(D)  
7 says nothing about a “forfeiture money judgment;” rather, in describing the property that is  
8 “subject to forfeiture,” it authorizes taking something else entirely – “any property, real or  
9 personal, which is or which is traceable to the gross receipts obtained, directly or indirectly,  
10 from a violation of . . . section 1343 (relating to wire fraud).”

11 The government makes no effort to say that Mr. Andrade possesses \$10,474,609 – or any  
12 other amount – that fits the description of being the receipts, or being traceable to the receipts,  
13 obtained from wire fraud. *See Thompson*, 990 F.3d at 690 (“there is nothing in the text of  
14 Section 981 that extends forfeiture to property of a defendant that is not traceable to the proceeds  
15 of the crime (outside the procedures set forth in Section 853(p)).”)<sup>22</sup> Rather, the government  
16 merely asserts – incorrectly, for the reasons stated elsewhere in this brief – that Mr. Andrade at  
17 one point in time received that amount, without rebutting that most of those funds were used for  
18 business expenses and therefore are no longer in his possession,<sup>23</sup> and that the few funds that are  
19 currently in his possession likely came from other sources—primarily, the sale of his stock in  
20 BGC, Inc. and his receipt of VA disability checks.

21 As a result, what the government is seeking is not what the statute allows; instead it is  
22 seeking a judge-made remedy,<sup>24</sup> in defiance of the constitution (and without jury participation).  
23

---

24 <sup>22</sup> Section 853(p) refers to 21 U.S.C. § 853(p), which, given its placement in Title 21, applies to  
25 drug cases, and not to wire fraud.

26 <sup>23</sup> *See supra* n.27.

27 <sup>24</sup> *See, e.g., Lo*, 839 F.3d at 792-94.  
28



1 *See United States v. Wiltberger*, 18 U.S. 76, 95 (1820) (“It is the legislature, not the Court, which  
 2 is to define a crime, and ordain its punishment”); *United States v. Surgent*, 2009 WL 2525137  
 3 (E.D.N.Y. Aug. 17, 2009) (declining to impose a “money judgment” forfeiture because there is  
 4 no statutory authorization for doing so, with the exception of 31 U.S.C. § 5332(b)(4), which  
 5 “demonstrates that when Congress intends to authorize personal money judgments, it does so  
 6 explicitly”); *United States v. Day*, 416 F. Supp. 2d 79 (D.D.C. 2006) (same, explaining that  
 7 “[n]otably absent from the applicable statutory framework, however, is a provision expressly  
 8 authorizing money judgments. Implicitly acknowledging the lack of support for its position in  
 9 the statutory language, the government instead argues that the practice of entering forfeiture  
 10 money judgments is established in the case law as a unique aspect of *in personam* criminal  
 11 forfeiture. For the reasons set forth below, the Court disagrees”); Martha Boersch, *Forfeiture*  
 12 *Money Judgments: Will the Supreme Court Clamp Down on These Unconstitutional Judicial*  
 13 *Punishments*, CHAMPION (June 2021) (current Chief of Criminal Division in N.D. Cal. United  
 14 States Attorney’s Office previously making the same argument made here); *see generally United*  
 15 *States v. \$493,850.00 in U.S. Currency*, 518 F.3d 1159, 1169 (9th Cir. 2008) (“forfeiture statutes  
 16 are strictly construed against the government”).

## 17 **V. ANY FORFEITURE OR RESTITUTION ORDER WOULD BE UNTIMELY**

### 18 **A. The Government’s Proposed Restitution Is Untimely**

19 The Court should not award either restitution or forfeiture given the government’s  
 20 repeated flouting of the rules governing the time requirements for the collection and distribution  
 21 of information, and for making its requests for relief. The government did not comply with the  
 22 requirement in 18 U.S.C. § 3664(d)(1) that it list the amounts subject to restitution “not later than  
 23 60 days prior to the date initially set for sentencing,” and it wasn’t even close.<sup>25</sup> Instead, over  
 24 four months after the verdict and only a few days before the sentencing, the government  
 25

26 <sup>25</sup> The government first requested a money judgment forfeiture of \$10,474,609 in a motion filed  
 27 on July 23, 2025, 6 days before sentencing. See United States's Motion for Forfeiture Money  
 28 Judgment, ECF 711, at 6.

1 proposed a restitution figure to the Court based only on trial testimony – a submission that it  
 2 would have been “practical” to make immediately after the jury returned its verdict in early  
 3 March. It continues to compound its violation of the rule, most recently by sending a revision –  
 4 its fourth – more than *80 days* after the date set by the rule, and after the defense had completed  
 5 its analysis for this filing.

6 Assuming that some prejudice is needed to remedy the government’s repeated flouting of  
 7 the rules,<sup>26</sup> the defense notes that it cannot keep up with the unending revisions and that, even  
 8 with all of its rewrites, the government still has not addressed the flaws in its approach and gaps  
 9 in its proof that the defense has previously identified, so that the defense cannot meaningfully  
 10 address further the government’s restitution claim. *See* Defendant’s Sentencing Memorandum,  
 11 ECF 713, at 36:18-38:23; Defendant’s Reply to Government’s Sentencing Memorandum, ECF  
 12 716, at 18:3-25:4; *see also United States v. Loreng*, 956 F. Supp. 2d 213 (D.D.C. 2013) (ordering  
 13 no restitution due to failure to supply calculation until just before sentencing and failure to  
 14 properly address issues Court raised about calculation).

#### 15 **B. Any Forfeiture Order from the Court Is Untimely**

16 Just as it did with restitution, the government started the forfeiture process far too late – a  
 17 few days before sentencing. *See* Federal Rule of Criminal Procedure 32.2 (requiring that “*as*  
 18 *soon as practical after a verdict . . . the Court must determine what property is subject to*  
 19 *forfeiture under the applicable statute*”) (emphasis added). Having already put the Court in an  
 20 impossible position, the government then made matters worse. Either the government gave the  
 21 Court incorrect advice during the sentencing about whether the Court could say it was imposing  
 22 forfeiture without imposing the amount of forfeiture, or the government needed to identify the  
 23 circumstances under which such advice did or did not apply, but after following that advice, the  
 24 Court thereafter entered its judgment (with its sentence) against Mr. Andrade. *See* ECF 719.

25 Fairly read, once the Court did so, the rules no longer allow the Court to do more with  
 26 forfeiture. A forfeiture order is “part of the [defendant’s] sentence in the criminal case,” 28

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<sup>26</sup>*See, e.g., United States v. Hagege*, 273 Fed. Appx. 612 (9th Cir. 2008).

1 U.S.C. § 2461(c); *see also* Fed. R. Crim. P. 32.2(b)(4)(B); *Libretti v. United States*, 516 U.S. 29,  
2 38-39, (1995), and “once a court imposes a sentence, generally it may not ‘change or modify that  
3 sentence unless such authority is expressly granted by statute.’” *United States v. Maddux*, 37 F.  
4 4th 1170, 1175 (6th Cir. 2022). *See also United States v. Addonizio*, 442 U.S. 178, 189 & n.16  
5 (1979) (“once a sentence has been imposed, the trial judge's authority to modify it is” limited to  
6 Rule 35, which imposes a time period that “is jurisdictional and may not be extended”); *United*  
7 *States v. Stump*, 914 F.2d 170, 172 (9th Cir. 1990) (“District courts do not have inherent power  
8 to resentence defendants at any time; their ‘authority to do so must flow either from the court of  
9 appeals mandate ... or from Federal Rule of Criminal Procedure 35’”) (citation omitted). *See*  
10 *generally United States v. Pease*, 331 F.3d 809, 813 (11<sup>th</sup> Cir. 2003)

11 A statute does allow the Court to order *restitution* after it imposes sentence, 18 U.S.C.  
12 § 3664(d)(5), but that statute is limited to restitution and no such statute exists for forfeiture. The  
13 Court’s initial order of forfeiture, as drafted by the government, cites Rule 32.2(e) as a basis for a  
14 post-sentence forfeiture award, but that rule relates only to property subject to forfeiture under an  
15 existing order of forfeiture that was located and identified after that order was entered, or  
16 substitute property that qualifies for forfeiture under an applicable statute – neither of which is  
17 present here. *See* 18 U.S.C. § 981(d); 18 U.S.C. § 982(a)(8). *See generally United States v*  
18 *King*, 745 F. Supp. 3d 537, 542-43 (E.D. Mich. 2024) (denying forfeiture, noting government’s  
19 failure to meet Rule 32.2’s deadlines, and explaining that order cannot be amended more than 14  
20 days after sentencing). In any event, “forfeiture statutes are strictly construed against the  
21 government,” \$493,850.00 in U.S. Currency, 518 F.3d at 1169; *see also United States v. One*  
22 *1936 Model Ford V-8 De Luxe Coach*, 307 U.S. 219, 226 (1939) (“Forfeitures are not favored;  
23 they should be enforced only when within both letter and spirit of the law.”), and because  
24 criminal forfeiture is a form of punishment for a criminal offense, any ambiguity in criminal  
25 forfeiture statutes must be resolved in favor of the defendant under the rule of lenity. *United*  
26 *States v. Cano-Flores*, 796 F.3d 83, 93-94 (D.C. Cir. 2015) (*citing United States v. Batchelder*,  
27 442 U.S. 114, 121 (1979)). As a result, no forfeiture can now be awarded.

**VI. THE GOVERNMENT’S COMBINED AND OVERLAPPING FORFEITURE AND  
RESTITUTION DEMANDS VIOLATE THE EIGHTH AMENDMENT**

Although the vast bulk of what Mr. Andrade was paid for his tokens and coins went back into his business, and only \$1.66 million went into his pocket,<sup>27</sup> the government’s combined restitution and forfeiture requests total \$15,071,814.88. Even if each step in this process were supported by facts and case law, the result would be a penalty of over nine times what he allegedly pocketed – a total that is excessive and in violation of the eighth amendment. *See, e.g., King*, 231 F. Supp. 3d at 872 (reducing requested money judgment forfeitures where result would be to sentence the defendants to “life terms of impoverishment or living off the books, or both,” explaining that “judicial treatment of the Excessive Fines Clause,” among other things, “tell[s] us that the statutory forfeiture tools wielded by the government in this case, powerful though they are, do not trump the limitations imposed by the Eighth Amendment”).

This is an appropriate case to limit the forfeiture given factors such as the predominant amount of money returned to the business, *see King*, 231 F. Supp. 3d at 901 (considering factors such as the use of the forfeited property); *cf. Thompson*, 990 F.3d at 691 (limiting forfeiture to amount that “came to rest with [the defendant] as a result of his crimes”); the value of not putting Mr. Andrade, after paying victims, “in the service of the government . . . forever,” *King*, 231 F. Supp. 3d at 1006; the fact that the amount of the requested forfeiture bears “no articulable

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<sup>27</sup> By the government’s own calculations, Mr. Andrade spent most investor funds on business expenses. During the AtenCoin period between July 2014 and July 2017, the government estimated income from purchasers and investors totaling \$2.1 million—including the improperly counted funds from CrossVerify share sales. Tr. Ex. 1520-002. Of this amount Mr. Andrade took \$300,000 or 14% of the total. During the AML Bitcoin period between July 2017 and October 2018, the government alleges Mr. Andrade received \$8,374,609 from purchasers. Tr. Ex. 1520-003; 005. Of this money, \$2,874,609 was estimated to be in cryptocurrency, the overwhelming value of which was lost to a nearly two-thirds drop in the crypto market, *see infra*, and the remainder of which Mr. Andrade sold and reinvested in the business. Mr. Andrade took \$2.1 million into his personal accounts, but he spent \$740,000 of that money on business expenses (\$300,000 for marketing, \$300,000 transferred to business accounts, \$60,000 for software and IT services, \$40,000 for employees, and \$40,000 for professional services), leaving \$1.36 million which went to Mr. Andrade personally and which accounted for only 16% of purchaser funds. *Id.* at 004; 008. In sum, between AtenCoin and AML Bitcoin, Mr. Andrade’s total income was \$1,660,000—only 15.8% of funds received.

correlation to any injury suffered by the government,” *United States v. Bajakajian*, 524 U.S. 321, 339-40 (1998); and the existence of the government’s own misconduct, which also cuts against forfeiture. *See Caplin & Drysdale Chartered v United States*, 491 U.S. 617, 635 (1989); *see generally United States v. Real Prop. Located in El Dorado Cnty.*, 59 F.3d 974, 984-85 & n.10 (9th Cir. 1995) (judiciary must be vigilant given government’s incentive to impose forfeitures because the government can use seized assets to finance law enforcement).

Equally important is the devastating impact the forfeiture will have on Mr. Andrade, his wife Solmaz, and his two daughters, Melody and Madeline; these are important and appropriate factors for the Court to apply in assessing the amount of the forfeiture. *See, e.g., El Dorado*, 59 F.3d at 985 (directing attention to “the hardship to the defendant, including the effect of the forfeiture on defendant’s family or financial condition”); *Bajakajian*, 524 U.S. at 335, 340 n.15 (while deciding in defendant’s favor on other grounds, court discusses Old English roots of the Excessive Fines Clause and the original consideration of the wrongdoer’s financial condition); *United States v. Beecroft*, 825 F.3d 991, 994 (9th Cir. 2016), *abrogated by Honeycutt*, 137 S. Ct. at 1632, 1635 (remanding forfeiture order for review of excessiveness while wrongly applying principle of joint and several liability to criminal forfeiture prior to *Honeycutt*). The Court’s 84-month sentence is more than enough to achieve sentencing objectives, with Mr. Andrade also paying restitution to victims.

## **VII. ANY FORFEITURE OR RESTITUTION ORDERS SHOULD BE STAYED PENDING APPEAL**

This Court has authority to stay any forfeiture or restitution orders pending appeal. See Federal Rule of Criminal Procedure 32.2(d) (forfeiture); 38(e) (restitution). In the event it orders forfeiture or restitution, it should stay such orders pending appeal based on the substantial statutory, constitutional, and other issues raised in this filing, in Mr. Andrade’s misconduct motion, and in Mr. Andrade’s new trial motion.

## **VIII. CONCLUSION**

The Court and Mr. Andrade deserve better than the government’s tardy, slapdash effort that is

1 based on unreliable and contradictory data, and that seeks relief that exceeds statutory authority  
2 without regard to the crushing burden on Mr. Andrade's family. The requests should be denied  
3 in their entirety, or, if not, substantially reduced.  
4

5 DATED: August 22, 2025

Respectfully Submitted,

6 /s/  
7

8 \_\_\_\_\_  
MICHAEL J. SHEPARD,  
9 CINDY A. DIAMOND, and  
DAINEC STEFAN  
10 Attorneys for Defendant  
ROWLAND MARCUS ANDRADE  
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**APPENDIX A****Forfeiture Exclusions: Funds Resting with Co-Conspirators****1. Mark DiAdamo**

<b>Bank</b>	<b>Account</b>	<b>Name</b>	<b>Bank Date</b>	<b>Description</b>	<b>Inflows to DiAdamo</b>
Chase Bank	619929891	NAC Foundation	21-Aug-14	Mark DiAdamo	\$12,000.00
Chase Bank	619929891	NAC Foundation	3-Sep-14	Mdi Marketing LLC	\$4,900.00
Chase Bank	619929891	NAC Foundation	4-Sep-14	Mdi Marketing LLC	\$2,150.00
Chase Bank	619929891	NAC Foundation	16-Sep-14	Mdi Marketing LLC	\$100.00
Chase Bank	619929891	NAC Foundation	17-Sep-14	Mdi Marketing LLC	\$6,700.00
Chase Bank	619929891	NAC Foundation	24-Sep-14	Mdi Marketing LLC	\$2,900.00
Chase Bank	619929891	NAC Foundation	14-Oct-14	Mdi Marketing LLC	\$1,400.00
Chase Bank	619929891	NAC Foundation	14-Oct-14	Mdi Marketing LLC	\$5,100.00
Chase Bank	619929891	NAC Foundation	22-Oct-14	Mdi Marketing LLC	\$9,975.00
Chase Bank	619929891	NAC Foundation	24-Oct-14	Mdi Marketing LLC	\$4,875.00
Chase Bank	619929891	NAC Foundation	27-Oct-14	Mdi Marketing LLC	\$4,875.00
Chase Bank	619929891	NAC Foundation	6-Nov-14	Mdi Marketing LLC	\$7,150.00
Chase Bank	619929891	NAC Foundation	15-Dec-14	Mdi Marketing LLC	\$9,982.36
Chase Bank	619929891	NAC Foundation	23-Jan-15	Mdi Marketing LLC	\$3,950.00
Chase Bank	619929891	NAC Foundation	29-Jan-15	Mdi Marketing LLC	\$1,600.00
Chase Bank	619929891	NAC Foundation	17-Feb-15	Mdi Marketing LLC	\$1,450.00
Chase Bank	619929891	NAC Foundation	24-Feb-15	Mdi Marketing LLC	\$1,500.00
Chase Bank	619929891	NAC Foundation	16-Mar-15	Mdi Marketing LLC	\$1,450.00
CitiBank	205855554	NAC Foundation	10-Apr-15	MDI Marketing LLC	\$100.00
CitiBank	205855554	NAC Foundation	14-Apr-15	MDI Marketing LLC	\$4,400.00
CitiBank	205855554	NAC Foundation	15-Apr-15	MDI Marketing LLC	\$10,500.00
CitiBank	205855554	NAC Foundation	24-Apr-15	MDI Marketing LLC	\$6,500.00
CitiBank	205855554	NAC Foundation	19-May-15	MDI Marketing LLC	\$4,100.00
CitiBank	205855554	NAC Foundation	5-Jun-15	MDI Marketing LLC	\$2,600.00
CitiBank	205855554	NAC Foundation	17-Jun-15	MDI Marketing LLC	\$26,500.00
CitiBank	205855554	NAC Foundation	29-Jun-15	MDI Marketing LLC	\$1,569.60
CitiBank	205855554	NAC Foundation	6-Jul-15	MDI Marketing LLC	\$2,369.60
CitiBank	205855554	NAC Foundation	10-Jul-15	MDI Marketing LLC	\$14,673.60



CitiBank	205855554	NAC Foundation	14-Aug-15	MDI Marketing LLC	\$3,685.09
CitiBank	205855554	NAC Foundation	8-Sep-15	MDI Marketing LLC	\$4,312.00
CitiBank	205855554	NAC Foundation	14-Sep-15	MDI Marketing LLC	\$9,525.00
CitiBank	205855554	NAC Foundation	2-Oct-15	MDI Marketing LLC	\$1,900.00
CitiBank	205855554	NAC Foundation	22-Oct-15	MDI Marketing LLC	\$8,300.00
CitiBank	205855554	NAC Foundation	4-Nov-15	MDI Marketing LLC	\$9,550.00
CitiBank	205855554	NAC Foundation	24-Nov-15	MDI Marketing LLC	\$15,100.00
CitiBank	205855554	NAC Foundation	1-Dec-15	MDI Marketing LLC	\$5,600.00
CitiBank	205855554	NAC Foundation	22-Dec-15	MDI Marketing LLC	\$5,400.00
CitiBank	205855554	NAC Foundation	1-Feb-16	MDI Marketing LLC	\$9,300.00
CitiBank	205855554	NAC Foundation	11-Mar-16	MDI Marketing LLC	\$11,475.00
CitiBank	205855554	NAC Foundation	13-Apr-16	MDI Marketing LLC	\$1,185.00
CitiBank	205855554	NAC Foundation	18-Apr-16	MDI Marketing LLC	\$2,750.00
CitiBank	205855554	NAC Foundation	28-Apr-16	MDI Marketing LLC	\$2,730.00
CitiBank	205855554	NAC Foundation	11-May-16	MDI Marketing LLC	\$4,750.00
CitiBank	205855554	NAC Foundation	2-Jun-16	MDI Marketing LLC	\$12,100.00
CitiBank	205855554	NAC Foundation	16-Jun-16	MDI Marketing LLC	\$4,158.00
CitiBank	205855554	NAC Foundation	29-Jul-16	MDI Marketing LLC	\$19,000.00
CitiBank	205855554	NAC Foundation	5-Aug-16	Mark Diadamo	\$4,000.00
CitiBank	205855554	NAC Foundation	12-Sep-16	Mark Diadamo	\$2,000.00
CitiBank	205855554	NAC Foundation	4-Oct-16	Mark Diadamo	\$5,000.00
CitiBank	205855554	NAC Foundation	6-Dec-16	Mark Diadamo	\$12,000.00
Capital One	3316731839	Marcus Andrade	8-Sep-17	Mark Di Adamo	\$5,000.00
Wells Fargo	1010297676 883	Marcus Andrade	5-Aug-16	Mark Diadamo	\$4,000.00
Wells Fargo	1010297676 883	Marcus Andrade	12-Sep-16	Mark Diadamo	\$2,000.00
Wells Fargo	1010297676 883	Marcus Andrade	4-Oct-16	Mark Diadamo	\$5,000.00
Wells Fargo	1010297676 883	Marcus Andrade	7-Dec-16	Mark Diadamo	\$12,000.00
Wells Fargo	1010297676 883	Marcus Andrade	31-May-17	Mark Diadamo	\$12,000.00
Wells Fargo	1010297676 883	Marcus Andrade	8-Sep-17	Mark Diadamo	\$5,000.00
Chase Bank	630263031	MDI Marketing	17-Jun-15	MDI Marketing	\$26,500.00
				<b>Total</b>	<b>\$380,690.25</b>

## 2. Bob Parsons

Bank	Account	Name	Bank Date	Description	Inflows to Parsons
CitiBank	205855554	NAC Foundation	9-Oct-15	Robert Parsons	\$500.00
CitiBank	205855554	NAC Foundation	20-Oct-15	Robert Parsons	\$500.00
CitiBank	205855554	NAC Foundation	6-Nov-15	Robert Parsons	\$500.00
Wells Fargo	8048120458	NAC Foundation	13-May-14	Robert Parsons	\$100.00
Wells Fargo	8048120458	NAC Foundation	20-May-14	Ontario Inc	\$7,300.00
Wells Fargo	8048120458	NAC Foundation	30-May-14	Ontario Inc	\$6,000.00



Wells Fargo	8048120458	NAC Foundation	10-Jun-14	Ontario Inc	\$16,550.00
Wells Fargo	8048120458	NAC Foundation	17-Jun-14	Ontario Inc	\$1,150.00
Wells Fargo	8048120458	NAC Foundation	24-Jun-14	Ontario Inc	\$24,200.00
Wells Fargo	8048120458	NAC Foundation	3-Jul-14	Ontario Inc	\$2,400.00
Wells Fargo	8048120458	NAC Foundation	14-Jul-14	Ontario Inc	\$7,864.00
Wells Fargo	8048120458	NAC Foundation	14-Jul-14	Ontario Inc	\$14,955.00
Wells Fargo	8048120458	NAC Foundation	16-Jul-14	Ontario Inc	\$10,500.00
Wells Fargo	8048120458	NAC Foundation	18-Jul-14	Ontario Inc	\$4,955.00
Wells Fargo	8048120458	NAC Foundation	1-Aug-14	Ontario Inc	\$15,955.00
				<b>Total</b>	<b>\$113,429.00</b>

### 3. Brian Darrow

Bank	Account	Name	Bank Date	Description	Inflows to Darrow
CitiBank	205855554	NAC Foundation	30-Mar-15	Dmmc Corp	\$100.00
CitiBank	205855554	NAC Foundation	31-Mar-15	Dmmc Corp	\$12,500.00
CitiBank	205855554	NAC Foundation	7-Apr-15	Dmmc Corp	\$6,500.00
CitiBank	205855554	NAC Foundation	10-Apr-15	Dmmc Corp	\$20,000.00
CitiBank	205855554	NAC Foundation	28-Apr-15	Dmmc Corp	\$4,700.00
CitiBank	205855554	NAC Foundation	30-Apr-15	Dmmc Corp	\$6,150.00
CitiBank	205855554	NAC Foundation	27-May-15	Dmmc Corp	\$1,700.00
CitiBank	205855554	NAC Foundation	5-Jun-15	Dmmc Corp	\$12,950.00
CitiBank	205855554	NAC Foundation	29-Jun-15	Dmmc Corp	\$2,066.80
CitiBank	205855554	NAC Foundation	10-Jul-15	Dmmc Corp	\$15,968.20
CitiBank	205855554	NAC Foundation	12-Nov-15	Dmmc Corp	\$10,300.00
CitiBank	205855554	NAC Foundation	1-Dec-15	Dmmc Corp	\$2,000.00
CitiBank	205855554	NAC Foundation	27-Jan-16	Dmmc Corp	\$600.00
CitiBank	205855554	NAC Foundation	11-May-16	Dmmc Corp	\$3,000.00
CitiBank	205855554	NAC Foundation	6-Jul-16	Dmmc Corp	\$5,000.00
Chase Bank	619929891	NAC Foundation	21-Aug-14	Brian Darrow	\$13,400.00
Chase Bank	619929891	NAC Foundation	12-Sep-14	Dmmc Corp	\$100.00
Chase Bank	619929891	NAC Foundation	12-Sep-14	Dmmc Corp	\$34,800.00
Chase Bank	619929891	NAC Foundation	26-Sep-14	Dmmc Corp	\$2,150.00
Chase Bank	619929891	NAC Foundation	7-Oct-14	Dmmc Corp	\$750.00
Chase Bank	619929891	NAC Foundation	14-Oct-14	Dmmc Corp	\$1,400.00
Chase Bank	619929891	NAC Foundation	15-Oct-14	Dmmc Corp	\$2,900.00

Chase Bank	619929891	NAC Foundation	22-Oct-14	Dmmc Corp	\$10,975.00
Chase Bank	619929891	NAC Foundation	23-Oct-14	Dmmc Corp	\$7,700.00
Chase Bank	619929891	NAC Foundation	6-Nov-14	Dmmc Corp	\$1,150.00
Chase Bank	619929891	NAC Foundation	26-Nov-14	Dmmc Corp	\$2,400.00
Chase Bank	619929891	NAC Foundation	3-Dec-14	Dmmc Corp	\$3,900.00
Chase Bank	619929891	NAC Foundation	5-Dec-14	Dmmc Corp	\$11,800.00
Chase Bank	619929891	NAC Foundation	24-Dec-14	Dmmc Corp	\$2,750.00
Chase Bank	619929891	NAC Foundation	29-Dec-14	Dmmc Corp	\$3,775.00
Chase Bank	619929891	NAC Foundation	12-Jan-15	Dmmc Corp	\$14,000.00
Chase Bank	619929891	NAC Foundation	20-Jan-15	Dmmc Corp	\$16,900.00
Chase Bank	619929891	NAC Foundation	23-Jan-15	Dmmc Corp	\$11,400.00
Chase Bank	619929891	NAC Foundation	29-Jan-15	Dmmc Corp	\$2,900.00
Chase Bank	619929891	NAC Foundation	2-Feb-15	Dmmc Corp	\$4,350.00
Chase Bank	619929891	NAC Foundation	9-Feb-15	Dmmc Corp	\$4,700.00
Chase Bank	619929891	NAC Foundation	17-Feb-15	Dmmc Corp	\$6,700.00
Chase Bank	619929891	NAC Foundation	24-Feb-15	Dmmc Corp	\$6,000.00
Chase Bank	619929891	NAC Foundation	16-Mar-15	Dmmc Corp	\$7,400.00
				<b>Total</b>	<b>\$277,835.00</b>

#### 4. John Bryan

Bank	Account	Name	Bank Date	Description	Inflows to Bryan
Wells Fargo Bank	5024549155	NAC Payroll Services, Inc.	25-May-18	Watley Group	\$2,000.00
<sup>1</sup>		NAC Payroll Services, Inc.		The Watley Group LLC	\$25,000.00
					<b>\$27,000.00</b>

#### 5. Jack Abramoff

Bank	Account	Name	Bank Date	Description	Inflows to Abramoff
Wells Fargo	5024549155	NAC Payroll Services, Inc.	5-Mar-18	Sepo Holdings LLC	\$52,000.00

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<sup>1</sup> See Attach-X

Wells Fargo	5024549155	NAC Payroll Services, Inc.	15-May-18	Sepo Holding, LLC	\$80,000.00
Wells Fargo	5024549155	NAC Payroll Services, Inc.	23-May-18	Sepo Holdings LLC	\$50,000.00
Wells Fargo	5024549155	NAC Payroll Services, Inc.	23-May-18	Landfair Capital Consulting Inc	\$50,000.00
Capital One	3316731839	Marcus Andrade	11-Sep-17	Landfair Capital Consutling	\$75,000.00
Comerica	1895067567	Law Office of Neil M Sunkin Client Trust Account for NAC Foundation	3-Jan-18	Landfair Capital	\$33,333.00
Capital One	3316731839	Marcus Andrade	19-Jan-18	Frames Per Second Productions, Inc	\$75,000.00
Chase Bank	252727620	David Salmon & Associates Inc IOLTA	22-Jan-18	Frames Per Second Productions, Inc	\$150,000.00
Chase Bank	252727620	David Salmon & Associates Inc IOLTA	25-Jan-18	Frames Per Second Productions, Inc	\$75,000.00
Bank of America	325062077280	Landfair Capital Consulting, Inc.	31-Jan-18	Frames Per Second	\$20,000.00
				<b>Total</b>	<b>\$660,333.00</b>

## 6. David Mata

Bank	Account	Name	Bank Date	Description	Inflows to Mata
Wells Fargo Bank	5024549155	NAC Payroll Services, Inc.	26-Sep-18	David Mata	\$37,500.00
Wells Fargo Bank	5024549155	NAC Payroll Services, Inc.	25-Oct-18	DAVID B MATA	\$25,000.00
Wells Fargo Bank	5024549155	NAC Payroll Services, Inc.	20-Nov-18	David Mata	\$12,500.00
				<b>Total</b>	<b>\$75,000.00</b>

## 7. Lev Abramoff

Bank	Account	Name	Bank Date	Description	Inflows to Abramoff
Wells Fargo Bank	5024549155	NAC Payroll Services, Inc.	4-Jun-18	Lev Abramoff	\$10,000.00
Wells Fargo Bank	5024549155	NAC Payroll Services, Inc.	27-Jul-18	Lev Abramoff	\$11,000.00
Wells Fargo Bank	5024549155	NAC Payroll Services, Inc.	23-May-18	Blockchain Entertainment Inc	\$28,700.00
				<b>Total</b>	<b>\$49,700.00</b>

8. **Japheth Dillman / ICO Box.** Mr. Andrade paid ICOBox, for which Japheth Dillman was the Chief Strategy Officer, approximately **\$200,000** for its services during the AML Bitcoin ICO. *See* Attach-6 ICOBox Payment.

**APPENDIX B****Forfeiture Exclusions: BlockBits Capital's Transactions**

<b>Bank</b>	<b>Account</b>	<b>Name</b>	<b>Bank Date</b>	<b>Description</b>	<b>Inflows to NAC</b>
<sup>2</sup>		NAC Foundation		Block Bits Capital LLC	\$129,400.00
Capital One	3316731839	Marcus Andrade	21-Nov-17	Block Bits Capital LLC	\$87,480.00
Chase Bank	252727620	David Salmon & Associates Inc IOLTA	5-Feb-18	Block Bits Capital LLC	\$47,000.00 <sup>3</sup>
Chase Bank	252727620	David Salmon & Associates Inc IOLTA	14-Feb-18	Block Bits Capital LLC	\$109,500.00 <sup>4</sup>
Chase Bank	252727620	David Salmon & Associates Inc IOLTA	16-Feb-18	Block Bits Capital LLC	\$85,000.00
				<b>Total</b>	<b>\$458,380.00</b>

<sup>2</sup> See Tr. Ex. 3170 at 212-20 (BlockBits Capital pre-ICO purchase agreement for \$129,400).

<sup>3</sup> Reduced by \$150,000 to avoid double-count of Boyer's payment to BlockBits Capital on Jan. 23, 2018.

<sup>4</sup> Reduced by \$105,000 to avoid double-count of Boyer's payments to BlockBits Capital on Jan. 25 and 29, 2018.

**APPENDIX C****Forfeiture Exclusions: Boyer's Transactions with BlockBits Capital**

<b>Bank</b>	<b>Account</b>	<b>Name</b>	<b>Bank Date</b>	<b>Description</b>	<b>Inflows to BBC</b>
Chase Bank	238558602	Block Bits Capital LLC	12-Jan-18	Benjamin Boyer	\$730,000.00
Chase Bank	238558602	Block Bits Capital LLC	12-Jan-18	Benjamin Boyer	\$120,000.00
Chase Bank	238558602	Block Bits Capital LLC	23-Jan-18	Benjamin Boyer	\$150,000.00
Chase Bank	238558602	Block Bits Capital LLC	25-Jan-18	Benjamin Boyer	\$67,500.00
Chase Bank	238558602	Block Bits Capital LLC	29-Jan-18	Benjamin Boyer	\$37,500.00
				<b>Total</b>	<b>\$1,105,000</b>

**APPENDIX D****Forfeiture Exclusions: CrossVerify Share Sales**

<b>Bank</b>	<b>Account</b>	<b>Name</b>	<b>Bank Date</b>	<b>Description</b>	<b>Inflows to NAC</b>
CitiBank	205855554	NAC Foundation	2016-03-09	BRM H. Enterprises Inc.	\$49,985.00
CitiBank	205855554	NAC Foundation	2016-04-13	Kent M.	\$9,985.00
CitiBank	205855554	NAC Foundation	2016-04-22	Ron M.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-05-02	Darren W.	\$9,990.00
CitiBank	205855554	NAC Foundation	2016-05-25	Arthur T.	\$5,000.00
CitiBank	205855554	NAC Foundation	2016-06-01	BRM H. Enterprises Inc.	\$44,990.00
CitiBank	205855554	NAC Foundation	2016-06-06	Darryl M.	\$7,490.00
CitiBank	205855554	NAC Foundation	2016-06-10	Arthur T.	\$20,000.00
CitiBank	205855554	NAC Foundation	2016-06-14	Rene B.	\$19,975.00
CitiBank	205855554	NAC Foundation	2016-06-21	Allied Consulting Services	\$11,250.00
CitiBank	205855554	NAC Foundation	2016-07-05	Koehler B.	\$9,480.00
CitiBank	205855554	NAC Foundation	2016-07-05	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-07-14	Brandon H.	\$5,000.00
CitiBank	205855554	NAC Foundation	2016-07-22	Darren W.	\$9,990.00
CitiBank	205855554	NAC Foundation	2016-07-26	Koehler B.	\$8,220.63
CitiBank	205855554	NAC Foundation	2016-07-26	Koehler B.	\$13,714.38
CitiBank	205855554	NAC Foundation	2016-07-26	Koehler B.	\$13,714.38
CitiBank	205855554	NAC Foundation	2016-07-26	Koehler B.	\$13,714.38
CitiBank	205855554	NAC Foundation	2016-07-26	Koehler B.	\$13,714.38
CitiBank	205855554	NAC Foundation	2016-07-26	Koehler B.	\$13,714.38
CitiBank	205855554	NAC Foundation	2016-07-26	Peter B.	\$54,907.00
CitiBank	205855554	NAC Foundation	2016-07-26	Brandon H.	\$5,000.00
CitiBank	205855554	NAC Foundation	2016-07-27	Koehler B.	\$11,980.00
CitiBank	205855554	NAC Foundation	2016-07-27	Koehler B.	\$11,980.00
CitiBank	205855554	NAC Foundation	2016-07-27	Karl-Heinz H.	\$37,835.00
CitiBank	205855554	NAC Foundation	2016-07-28	Koehler B.	\$7,480.00
CitiBank	205855554	NAC Foundation	2016-07-28	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-08-09	Michael W.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-08-10	Koehler B.	\$7,480.00
CitiBank	205855554	NAC Foundation	2016-08-10	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-08-15	Michael W.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-09-08	Thomas R.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-09-09	Koehler B.	\$5,980.00
CitiBank	205855554	NAC Foundation	2016-09-09	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-09-12	Koehler B.	\$4,985.00
CitiBank	205855554	NAC Foundation	2016-09-27	Thomas R.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-09-27	Koehler B.	\$10,980.00

CitiBank	205855554	NAC Foundation	2016-09-27	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-09-27	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-09-28	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-09-29	Koehler B.	\$2,490.00
CitiBank	205855554	NAC Foundation	2016-09-29	Peter B.	\$83,862.00
CitiBank	205855554	NAC Foundation	2016-10-31	Thomas R.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-11-10	Thomas R.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-11-10	Tyler H.	\$19,990.00
CitiBank	205855554	NAC Foundation	2016-11-14	F. Veterinary Service	\$9,980.00
CitiBank	205855554	NAC Foundation	2016-11-14	Michael W.	\$10,000.00
CitiBank	205855554	NAC Foundation	2016-12-01	Brandon H.	\$5,000.00
CitiBank	205855554	NAC Foundation	2016-12-02	F. Veterinary Service	\$9,980.00
CitiBank	205855554	NAC Foundation	2016-12-02	BRM H. Enterprises Inc.	\$11,990.00
CitiBank	205855554	NAC Foundation	2016-12-06	Koehler B.	\$12,480.00
CitiBank	205855554	NAC Foundation	2016-12-06	Peter B.	\$24,982.00
CitiBank	205855554	NAC Foundation	2016-12-06	Paul G.	\$59,975.00
CitiBank	205855554	NAC Foundation	2016-12-07	Peter B.	\$17,982.00
CitiBank	205855554	NAC Foundation	2016-12-08	Koehler B.	\$7,480.00
CitiBank	205855554	NAC Foundation	2016-12-15	Koehler B.	\$6,980.00
CitiBank	205855554	NAC Foundation	2016-12-16	Koehler B.	\$4,985.00
				<b>Total</b>	<b>\$884,050.53</b>



**APPENDIX E****Forfeiture Exclusions: Summary**

<b>Exclusion</b>	<b>Amount</b>
Funds Resting with Co-Conspirators	\$1,783,987.25
BlockBits Capital Transactions	\$458,380.00
Boyer—BlockBits Capital Transactions	\$1,105,000
CrossVerify Share Sales	\$884,050.53
Double-Counted Cryptocurrency Sales	\$770,357.98
<b>Total Exclusion</b>	<b>\$5,001,775.76</b>
<b>Government's Claim</b>	<b>\$10,474,609.00</b>
<b>Total Exclusion</b>	<b>\$5,151,775.76</b>
<b>Remaining Forfeitures</b>	<b>\$5,322,833.24</b>

**APPENDIX F****Restitution Exclusions: Duplications**

<b>Name</b>	<b>Duplicated/Fake Victim Entries</b>	<b>Duplicated Losses</b>
Adam B.	1	\$0.00
Alessandro V.	1	\$764.00
Alex B.	1	\$400.00
Ana R.	1	\$0.00
Charles A.	1	\$204.00
Dan B.	1	\$214.00
Diana F.	1	\$10,000
Joanna B.	1	\$0.00
Judie H.	7	\$0.00
John P.	1	\$0.00
Maša G.	1	\$0.00
Michael I.	1	\$0.00
Monica L.	1 (prank entry)	\$0.00
Nicholas M.	1	\$1,814.00
Patrick G.	2	\$400.00
Philip E.	1	\$20,151.00
Salvatore C.	1	\$500.00
Niki M.	1	\$344.00
<b>Total</b>	<b>25</b>	<b>\$34,701.00</b>

## APPENDIX G

## 266 Non-Duplicate Victims—Claims vs. Substantiation

Methodology: Using the government's figures presented below (Columns 1-5, as copied directly from the government's master spreadsheet), the defense calculated substantiated losses as follows: (1) if bank statements were reported, bank statement figures were used as substantiation; (2) if no bank statements were available, the victim-provided sources were used; (3) if neither bank statements nor victim provided sources were available, Tr. Ex. 1470 was used. This resulted in a \$1.5 million difference between claims and substantiated claims.

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Abhijit G.	\$5,000.00	Need Manual Check	\$557.29		\$4,442.71
Abraham M.	\$50,000.00	\$50,034.00	\$33,333.33		-\$34.00
Adam B.	\$3,125.00	\$3,153.00	\$2,501.95	\$3,125.00	-\$28.00
Aharonoff D.	\$300,000.00	\$200,000.00	Need Manual Check		\$100,000.00
Albert J.		\$8,730.00	Need Manual Check		-\$8,730.00
Alessandro V.	\$764.00	\$764.00	\$600.00	\$764.00	\$0.00
Alex B.	\$400.00	Need Manual Check	\$400.00		\$0.00
Alexander T.	\$25,500.00	Need Manual Check	\$12,363.84		\$13,136.16
Alexis A.	\$100.00	Need Manual Check	\$118.63		-\$18.63
Alexis D.	\$217.00	\$197.00	\$200.00	\$217.00	\$20.00
Alfred R.	\$499.35	Need Manual Check	\$499.77		-\$0.42
Allie L.	\$0.00	Need Manual Check	\$203.98	\$339.35	-\$203.98
Amanda H.	\$12.00	Need Manual Check	Need Manual Check		\$12.00
Amol C.	\$300.00	\$314.00	\$240.00		-\$14.00
Amy R.	\$314.00	\$314.00	\$251.20	\$314.00	\$0.00
Ana R.	\$375.00	Need Manual Check	Need Manual Check	\$375.00	\$375.00
Ana Ro.	\$389.00	Need Manual Check	Need Manual Check		\$389.00
Andrea D.	\$6,000.00	\$6,000.00	\$4,000.00	\$6,000.00	\$0.00
Andrew C.	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00
Andy V.	\$314.00	\$628.00	\$0.00	\$314.00	-\$314.00
Anjanette P.	\$300.00	Need Manual Check	\$200.00	\$300.00	\$100.00
Anne T.	\$10,014.00	\$10,014.00	\$10,000.00	\$10,000.00	\$0.00

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Anthony P.	\$5,000.00	Need Manual Check	\$3,422.99	\$5,096.25	\$1,577.01
Aron C.	\$1,000.00	\$1,014.00	\$1,000.00		-\$14.00
Arthur T.	\$33,000.00	\$47,000.00	\$0.00	\$33,000.00	-\$14,000.00
Arthur W.	\$1.25	Need Manual Check	\$498.48		-\$497.23
Asuka N.	\$500.00	\$500.00	\$500.00	\$500.00	\$0.00
Ava C.	\$300.00	\$300.00	\$200.00		\$0.00
Benjamin B.	\$1,808,790.60	\$1,231,500.00	\$1,000.00	\$1,808,790.60	\$577,290.60
Blake S.	\$3,000.00	Need Manual Check	\$3,000.00	\$3,327.55	\$0.00
Bradford G.	\$21,500.10	Need Manual Check	\$1,518.99		\$19,981.11
Brandi J.	\$328,271.51	\$342,440.00	Need Manual Check	\$275,000.00	-\$14,168.49
Brandon B.	\$500.00	\$514.00	\$500.00	\$500.00	-\$14.00
Brandon T.	\$500.00	\$514.00	\$333.33		-\$14.00
Brendan B.	\$5,000.00	\$4,397.23	\$3,524.80		\$602.77
Brian S.	\$667.42	Need Manual Check	\$600.00	\$679.52	\$67.42
Carlos P.	\$0.00	Need Manual Check	Need Manual Check		\$0.00
Carlos T.	\$1,119.00	Need Manual Check	\$300.00		\$819.00
Carson L.	\$10.00	Need Manual Check	Need Manual Check		\$10.00
Casey J.	\$1,000.00	\$1,014.00	\$799.99	\$0.00	-\$14.00
Cedric A.	\$2,362.90	Need Manual Check	\$1,575.27		\$787.63
Chad D.	\$5,378.00	Need Manual Check	\$5,274.99	\$4,923.00	\$103.01
Charlene R.	\$450.00	\$464.00	\$360.00	\$464.00	-\$14.00
Charles A.	\$204.00	\$214.00	\$200.00		-\$10.00
Charlie K.	\$37,139.00	\$37,044.75	\$30,000.00		\$95.00
Cheyenne S.	\$500.00	\$545.75	\$393.00		-\$45.75
Christian V.	\$250.00	Need Manual Check	\$233.00		\$17.00
Christopher D.	\$4,093.62	Need Manual Check	\$0.00	\$3,903.81	\$189.81
Christopher Di.	\$400.00	Need Manual Check	\$266.66		\$133.34
Chun L.	\$6,000.00	Need Manual Check	\$2,548.38		\$3,451.62
Claudio C.	\$449.34	Need Manual Check	\$50.00		\$399.34
Clinton L.	\$1,000.00	\$300.00	Need Manual Check		\$700.00

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Corey J.	\$111,500.00	\$80,710.00	Need Manual Check	\$148,250.00	\$30,790.00
Cory G.	\$0.00	Need Manual Check	\$34.33		-\$34.33
Crystal W.	\$100.00	Need Manual Check	\$31.80		\$68.20
Daenna F.	\$5,000.00	\$5,000.00	\$4,000.00	\$5,000.00	\$0.00
Dan B.	\$214.00	\$200.00	\$200.00		\$14.00
Daniel G.	\$50,000.00	\$1,750.00	\$1,400.00	\$2,802.22	\$48,250.00
Daniel H.	\$3,000.00	\$2,980.00	Need Manual Check	\$3,000.00	\$20.00
Daniel S.	\$3,000.00	Need Manual Check	\$470.00		\$2,530.00
Daniel T.	\$300.00	Need Manual Check	\$300.00	\$300.18	\$0.00
Daniel V.	\$2,125.00	\$1,820.00	\$1,508.33	\$2,125.00	\$305.00
Danika L.	\$200.00	\$264.00	\$200.00		-\$64.00
David A.	\$900.00	Need Manual Check	\$578.52		\$321.48
David J.	\$1,500.00	Need Manual Check	\$0.00		\$1,500.00
David S.	\$600.00	\$639.00	\$500.00		-\$39.00
David Ro.	\$312.50	\$326.50	\$250.00		-\$14.00
David Ru.	\$1,587.48	Need Manual Check	\$999.72	\$1,550.40	\$587.76
David Sh.	\$300.00	\$314.00	\$240.00		-\$14.00
Dejan S.	\$0.00	Need Manual Check	\$48.81	\$97.87	-\$48.81
Denita J.	\$200.00	Need Manual Check	\$251.81	\$194.16	-\$51.81
Deven C.	\$300.00	\$314.00	\$240.00		-\$14.00
Diana F.	\$10,000.00	\$10,200.00	\$8,160.00		-\$200.00
Diem N.	\$517.00	\$492.00	\$500.00	\$500.00	\$25.00
Dinesh G.	\$26,500.00	\$26,528.00	\$21,200.00		-\$28.00
Dj D.	\$0.00	Need Manual Check	Need Manual Check		\$0.00
Don K.	\$8,000.00	\$7,997.00	\$5,333.33		\$3.00
Donald B.	\$200.00	\$214.00	\$160.00		-\$14.00
Donald Be.	\$126.64	Need Manual Check	\$98.71	\$128.73	\$27.93
Du N.	\$8,000.00	\$7,992.00	\$8,000.00		\$8.00
Duane E.	\$345.00	Need Manual Check	\$230.00		\$115.00
Dustin H.	\$0.00	Need Manual Check	\$500.00		-\$500.00
Dylan W.	\$1,000.00	Need Manual Check	\$18.17		\$981.83

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Edward F.	\$17,200.00	\$17,200.00	\$13,760.00	\$12,200.00	\$0.00
Efroim R.	\$300.00	Need Manual Check	\$201.60		\$98.40
Elizabeth O.	\$2,500.00	\$2,500.00	\$1,666.66	\$2,500.00	\$0.00
Eric A.	\$323.00	Need Manual Check	\$237.72	\$212.23	\$85.28
Eric C.	\$0.00	Need Manual Check	\$492.52		-\$492.52
Eric Ch.		Need Manual Check	\$915.00		-\$915.00
Eric Co.	\$3,000.00	\$6,000.00	\$6,000.00		-\$3,000.00
Estelle N.	\$1,500.00	\$750.00	\$500.00		\$750.00
Everett R.	\$13,250.00	\$13,456.00	\$10,250.00	\$12,500.00	-\$206.00
Everett Ro.	\$307.00	\$13,456.00	\$10,250.00	\$300.00	\$0.00
Faruk B.	\$500.00	Need Manual Check	\$169.37		\$330.63
Frank C.	\$400.00	Need Manual Check	\$322.30		\$77.70
Futsum W.	\$10,728.00	\$10,728.00	\$7,199.74		\$0.00
Gabriella D.	\$514.00	\$514.00	\$400.00		\$0.00
Gary S.	\$2,014.00	\$2,014.00	\$2,000.00	\$2,014.00	\$0.00
Gary Si.	\$20,000.00	Need Manual Check	\$20,000.00		\$0.00
Gerald S.	\$1,200.00	Need Manual Check	\$300.00		\$900.00
Gerhart R.	\$1,250.00	\$1,264.00	\$1,000.00	\$1,250.00	-\$14.00
Gregory C.		Need Manual Check	\$500.00		-\$500.00
Guangyu Z.		Need Manual Check	\$523.94	\$661.94	-\$523.94
Harinder S.	\$3,000.00	\$300.00	\$1,615.16		\$2,700.00
Hieu N.	\$200.00	Need Manual Check	\$190.08		\$9.92
Homer M.	\$3,000.00	Need Manual Check	\$1,076.39		\$1,923.61
Hunter F.	\$250.00	\$200.00	\$160.00		\$50.00
Hyun K.	\$1,485.00	Need Manual Check	\$928.36	\$1,417.38	\$556.64
Igor D.	\$1,550.00	\$1,530.00	\$1,020.00	\$1,550.00	\$20.00
In C.	\$205.00	Need Manual Check	\$204.44	\$181.87	\$0.56
James B.	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00
James P.	\$426.00	Need Manual Check	\$24.12		\$401.88
James Y.	\$1,000.00	\$1,014.00	\$771.80		-\$14.00
Jamileth R.	\$307.00	Need Manual Check	\$200.00	\$300.00	\$107.00

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Jasjot N.	\$6,000.00	\$6,000.00	\$4,000.00	\$6,000.00	\$0.00
Jaya C.	\$5,000.00	Need Manual Check	\$2,303.01		\$2,696.99
Jean B.	\$1,000.00	\$1,014.00	\$800.00		-\$14.00
Jeffery C.	\$1.50	Need Manual Check	\$5,191.22	\$7,786.83	-\$5,189.72
Jeffrey G.	\$500.00	Need Manual Check	\$200.00		\$300.00
Jeffrey M.	\$200.00	\$214.00	\$160.00		-\$14.00
Jennifer S.	\$800.00	\$800.00	\$800.00	\$800.00	\$0.00
Jeremy C.	\$2,750.00	Need Manual Check	\$1,660.16		\$1,089.84
Jerry P.	\$750.00	\$812.50	\$1,000.00		-\$62.50
Joanna B.	\$0.00	Need Manual Check	Need Manual Check		\$0.00
John A.	\$25.00	Need Manual Check	\$25.88		-\$0.88
John Am.	\$214.00	Need Manual Check	\$160.00	\$214.00	\$54.00
John B.	\$35,000.00	\$35,700.00	Need Manual Check	\$35,000.00	-\$700.00
John P.	\$102.00	Need Manual Check	\$140.03		-\$38.03
Jonathan V.	\$7,000.00	Need Manual Check	\$1,071.32		\$5,928.68
Joseph A.	\$700.00	Need Manual Check	\$93.29		\$606.71
Joseph C.	\$5,000.00	\$5,000.00	\$3,333.33		\$0.00
Joseph D.	\$24,999.75	\$214.00	\$0.00		\$24,785.75
Joseph De.	\$256.00	Need Manual Check	\$250.00		\$6.00
Joseph Du.	\$2,000.00	Need Manual Check	\$2,003.00		-\$3.00
Joseph E.	\$408.78	Need Manual Check	\$408.78	\$458.22	\$0.00
Joseph H.	\$750.00	\$764.00	\$600.00	\$764.00	-\$14.00
Joseph M.	\$800.00	Need Manual Check	\$0.00		\$800.00
Joshua L.	\$3,100.00	Need Manual Check	\$3,000.00	\$3,001.80	\$100.00
Joshua Y.	\$800.60	Need Manual Check	\$800.60		\$0.00
Judie H.	\$2,750.00	\$1,500.00	Need Manual Check		\$1,250.00
Kasey L.	\$2,000.00	\$2,000.00	Need Manual Check	\$500.00	\$0.00
Kelly C.	\$100,000.00	\$8,526.50	\$30,000.33	\$40,480.06	\$91,473.50



First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Ken T.	\$1,151.00	Need Manual Check	\$500.00	\$91.00	\$651.00
Kenneth S.	\$37.33	Need Manual Check	Need Manual Check	\$76.99	-\$39.66
Kevin K.	\$103.82	Need Manual Check	\$100.00	\$204.36	\$3.82
Kip D.	\$200.00	Need Manual Check	\$200.00		\$0.00
Kristen B.	\$2,000.00	\$2,000.00	\$1,600.00		\$0.00
Krunalkumar P.	\$1,000.00	Need Manual Check	\$3,002.63		-\$2,002.63
Larry W.	\$1,000.00	\$980.00	Need Manual Check	\$1,000.00	\$20.00
Laurens B.	\$0.00	Need Manual Check	\$654.42		-\$654.42
Lavern D.	\$90,000.00	\$96,750.00	Need Manual Check		-\$6,750.00
Lee S.	\$0.00	Need Manual Check	Need Manual Check		\$0.00
Lena O.	\$600.00	\$928.00	\$900.00	\$600.00	-\$328.00
Lisa T.	\$1,892.00	\$1,867.00	\$1,500.00	\$2,000.00	\$25.00
Lorie W.	\$1,516.00	Need Manual Check	\$1,192.40	\$1,513.72	\$323.60
Lyndon R.	\$1,850.00	\$500.00	Need Manual Check	\$1,990.87	\$1,350.00
Madjid K.	\$214.00	\$214.00	\$200.00		\$0.00
Maggie L.	\$550.00	Need Manual Check	\$425.86	\$413.24	\$124.14
Marcellars M.	\$200.00	\$314.00	\$200.00		-\$114.00
Marcia J.	\$500.00	\$514.00	\$400.00	\$400.00	-\$14.00
Margaret L.	\$300.00	\$300.00	\$200.00	\$300.00	\$0.00
Mark V.	\$5,709.71	Need Manual Check	\$5,712.26		-\$2.55
Maša G.	\$2,800.00	Need Manual Check	\$170.00		\$2,630.00
Matt R.	\$60.00	Need Manual Check	\$32.28	\$22.29	\$27.72
Matteo P.	\$400.00	Need Manual Check	\$165.23	\$259.96	\$234.77
Matthew P.	\$1.00	Need Manual Check	\$884.86	\$614.41	-\$883.86
Maurice M.	\$3,200.00	Need Manual Check	\$12,000.00		-\$8,800.00
Mesut D.	\$0.00	Need Manual Check	\$310.73		-\$310.73
Michael C.	\$1,200.00	\$1,514.00	\$1,009.33		-\$314.00
Michael I.	\$5,500.00	\$2,514.00	\$3,855.11		\$2,986.00
Michael M.	\$528.00	\$514.00	\$500.00	\$514.00	\$14.00

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Michael R.	\$40.00	Need Manual Check	\$30.80		\$9.20
Michael W.	\$78,000.00	\$103,250.00	Need Manual Check	\$76,750.00	-\$25,250.00
Michelle T.	\$2,400.00	Need Manual Check	Need Manual Check	\$0.00	\$2,400.00
Moises C.	\$10,000.00	Need Manual Check	\$9,067.28	\$9,067.28	\$932.72
Morgan F.	\$500.00	\$514.00	\$500.00	\$500.00	-\$14.00
Mosaab H.	\$2,250.00	\$2,250.00	\$1,500.00		\$0.00
Moshe W.	\$25,000.00	\$24,999.75	\$0.00		\$0.25
Muhammad Y.	\$10,000.00	Need Manual Check	\$97.62		\$9,902.38
Murray K.	\$875.00	Need Manual Check	Need Manual Check	\$875.00	\$0.00
Nathan H.	\$300.00	\$314.00	\$200.00		-\$14.00
Nathan W.	\$110.57	Need Manual Check	\$108.67	\$106.73	\$1.90
Nezam D.	\$300.00	\$314.00	\$200.00		-\$14.00
Nicholas M.	\$1,814.00	Need Manual Check	\$1,200.00		\$614.00
Niels S.	\$700.00	Need Manual Check	\$564.78	\$673.02	\$135.22
Niki M.	\$344.00	\$314.00	\$240.00		\$30.00
Ohad I.	\$2,500.00	\$2,500.00	\$2,000.00	\$2,500.00	\$0.00
Pablo F.	\$2,500.00	\$2,528.00	\$2,500.00	\$2,500.00	-\$28.00
Pamela T.	\$15,000.00	\$15,000.00	\$10,000.00		\$0.00
Patrick B.	\$1,181.70	Need Manual Check	\$1,211.18		-\$29.48
Patrick G.	\$200.00	Need Manual Check	\$22.68		\$177.32
Paul M.	\$7,000.00	\$6,980.00	Need Manual Check	\$7,000.00	\$20.00
Paul N.	\$1,338.00	\$639.00	\$500.00		\$699.00
Paul P.	\$1,100.00	Need Manual Check	\$273.32		\$826.68
Paul W.	\$414.00	Need Manual Check	\$276.00	\$414.00	\$138.00
Peter B.	\$51,500.00	Need Manual Check	\$1,096.52		\$50,403.48
Philip C.	\$6,069.20	Need Manual Check	\$4,046.13		\$2,023.20
Philip E.	\$20,151.00	\$22,001.00	\$15,302.50		\$4,849.00
Phillip B.	\$200.00	Need Manual Check	\$49.14		\$150.86
Pierre V.	\$5,000.00	\$4,500.00	\$3,000.00		\$500.00
Raj P.	\$1,250.00	\$1,250.00	\$1,000.00	\$1,250.00	\$0.00

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Ralph M.	\$213.12	Need Manual Check	\$211.74		\$1.38
Rashaad C.		Need Manual Check	\$177.79		-\$177.79
Rashmikanth G.	\$7,500.00	\$7,514.00	\$5,000.00		-\$14.00
Renard C.	\$300.00	\$300.00	\$200.00		\$0.00
Rene A.	\$150,000.00	\$156,250.00	\$0.00		-\$6,250.00
Richard B.	\$2,000.00	\$2,500.00	Need Manual Check		-\$500.00
Richard F.	\$10,000.00	Need Manual Check	\$4,667.00		\$5,333.00
Richard J.	\$70,000.00	\$9,316.00	\$7,957.00	\$0.00	\$60,684.00
Richard W.	\$7,940.79	\$520.00	\$0.00	\$2,071.90	\$7,420.79
Rishi M.	\$312.50	\$326.50	\$250.00	\$312.50	-\$14.00
Robert D.	\$3,014.00	\$3,014.00	\$2,000.00	\$3,000.00	\$0.00
Robert E.	\$100.00	Need Manual Check	\$41.70		\$58.30
Robert G.	\$214.68	Need Manual Check	\$151.44		\$63.24
Robert M.	\$199.21	\$100.00	\$304.68		\$99.21
Robert S.	\$75.00	Need Manual Check	\$74.93		\$0.07
Robyn N.	\$36,000.00	Need Manual Check	\$2,130.60		\$33,869.40
Ronald F.	\$250.00	\$250.00	\$250.00	\$250.00	\$0.00
Ronald H.	\$438,559.00	Need Manual Check	Need Manual Check		\$438,559.00
Ronald W.		Need Manual Check	\$292.28		-\$292.28
Ryan A.	\$0.00	Need Manual Check	\$749.88		-\$749.88
Salvatore C.	\$500.00	\$500.00	\$333.33		\$0.00
Samantha W.	\$250.00	\$264.00	\$250.00		-\$14.00
Sami U.	\$0.00	Need Manual Check	\$48.45		-\$48.45
Samuel A.	\$300.00	Need Manual Check	\$35.75	\$495.14	\$264.25
Samuel F.	\$1,379.94	Need Manual Check	\$901.65		\$478.29
Sanjaykumar T.	\$500.00	\$514.00	\$400.00		-\$14.00
Santiago R.	\$400.00	\$414.00	\$320.00		-\$14.00
Scott B.	\$100,000.00	\$100,015.00	\$0.00	\$100,000.00	-\$15.00
Scott G.	\$19.94	Need Manual Check	\$19.94		\$0.00
Shane A.	\$30,000.00	\$39,075.00	\$30,000.00		-\$9,075.00
Shauna M.	\$226.00	Need Manual Check	\$133.33		\$92.67

First and Last Name	Victim Report Amount	Loss Amount (USD) (From bank stmt)	Loss Amount (USD) (From EX1470)	Victim Provided Sources	Substantiation vs. Claim Difference
Sherry W.	\$314.00	Need Manual Check	\$0.00		\$314.00
Shraga O.	\$5,000.00	Need Manual Check	\$160.00		\$4,840.00
Sithikone S.	\$250.00	\$2,514.00	Need Manual Check		-\$2,264.00
Stanley D.	\$2,000.00	\$2,000.00	Need Manual Check	\$2,000.00	\$0.00
Stanley R.	\$3,400.00	\$3,728.00	\$240.00		-\$328.00
Stephen C.	\$200.00	\$200.00	\$160.00		\$0.00
Stephen E.	\$2,250.00	\$4,250.00	Need Manual Check	\$2,250.00	-\$2,000.00
Stephen F.	\$3,500.00	\$3,514.00	\$3,500.00	\$3,500.00	-\$14.00
Stephen J.	\$1,400.00	Need Manual Check	\$393.93		\$1,006.07
Stephen L.	\$100.00	Need Manual Check	\$102.49		-\$2.49
Stephen S.	\$4,137.66	Need Manual Check	\$3,951.35	\$4,496.67	\$186.31
Steven W.		Need Manual Check	\$4,500.00		-\$4,500.00
Talal A.	\$0.00	Need Manual Check	\$1,400.00		-\$1,400.00
Tara B.	\$5,000.00	\$5,000.00	\$4,000.00		\$0.00
Terry W.	\$1,000.00	\$1,000.00	\$1,000.00		\$0.00
Theresa M.	\$45,000.00	Need Manual Check	Need Manual Check		\$45,000.00
Thomas G.	\$2,300.00	Need Manual Check	\$2,147.55		\$153.00
Thomas M.	\$1,000.00	Need Manual Check	\$98.69		\$901.31
Thomas Mo.	\$200.00	\$214.00	\$160.00	\$200.00	-\$14.00
Thomas Mu.	\$3.15	Need Manual Check	\$945.00	\$945.57	-\$941.85
Tiffany N.	\$7,516.16	Need Manual Check	Need Manual Check		\$7,516.16
Timothy B.	\$500.00	\$500.00	\$385.00		\$0.00
Timothy F.	\$1,000.00	\$214.00	\$278.55		\$786.00
Timothy P.	\$900.00	Need Manual Check	\$692.33		\$207.67
Tinh H.	\$5,000.00	\$6,028.00	\$5,000.00	\$5,000.00	-\$1,028.00
Tomas K.	\$2,500.00	Need Manual Check	\$100.00		\$2,400.00
Trevor H.	\$160.00	Need Manual Check	\$96.94	\$89.80	\$63.06
Trevor J.	\$3,500.00	Need Manual Check	\$2,333.33		\$1,166.67

<b>First and Last Name</b>	<b>Victim Report Amount</b>	<b>Loss Amount (USD) (From bank stmt)</b>	<b>Loss Amount (USD) (From EX1470)</b>	<b>Victim Provided Sources</b>	<b>Substantiation vs. Claim Difference</b>
Tylor B.		Need Manual Check	\$153.54		-\$153.54
Valerie P.	\$15,000.00	\$15,000.00	\$10,000.00	\$15,000.00	\$0.00
Wayne W.	\$3,000.00	\$2,985.00	\$0.00	\$3,000.00	\$15.00
William A.	\$0.00	Need Manual Check	\$250.00		-\$250.00
Yakov K.	\$5,000.00	Need Manual Check	\$3,333.33		\$1,666.67
Zachary K.	\$8,250.00	Need Manual Check	\$1,000.00	\$1,000.00	\$7,250.00
<b>Total</b>	<b>\$4,559,339.82</b>	<b>\$2,895,403.48</b>	<b>\$515,888.80</b>	<b>\$2,709,222.42</b>	<b>\$1,523,452.95</b>

**APPENDIX H****Restitution Exclusions: Victims Without Any Substantiation for Loss Claims**

Note: For all victims the government indicated needing a “manual check”—which was not conducted prior to the government’s submission to the Court—the defense performed a manual check of all discovery and verified a lack of substantiation for victim claims.

<b>First and Last Name</b>	<b>Victim Report Amount (Column V)</b>	<b>Loss Amount (USD) (From bank stmt)</b>	<b>Loss Amount (USD) (From EX1470)</b>	<b>Calculated amount based on Victim Provided Sources</b>
Joanna B.	\$0.00	Need Manual Check	Need Manual Check	N/A
DJ D.	\$0.00	Need Manual Check	Need Manual Check	N/A
Ronald H.	\$438,559.00	Need Manual Check	Need Manual Check	N/A
Amanda H.	\$12.00	Need Manual Check	Need Manual Check	N/A
Carson L.	\$10.00	Need Manual Check	Need Manual Check	N/A
Theresa M.	\$45,000.00	Need Manual Check	Need Manual Check	N/A
Tiffany N.	\$7,516.16	Need Manual Check	Need Manual Check	N/A
Carlos P.	\$0.00	Need Manual Check	Need Manual Check	N/A
Lee S.	\$0.00	Need Manual Check	Need Manual Check	N/A
Michelle T.	\$2,400.00	Need Manual Check	Need Manual Check	N/A
<b>Total</b>	<b>\$493,497.16</b>	Need Manual Check	Need Manual Check	N/A

**APPENDIX I****Restitution Exclusions: AtenCoin (pre-indictment) Purchasers and CrossVerify Investors**

<b>First and Last Name</b>	<b>Victim Report Amount</b>	<b>Purchase Type</b>
Albert J.	\$0.00	AtenCoins
Arthur T.	\$33,000.00	AtenCoins and CrossVerify Shares
Brandi J.	\$328,271.51	AtenCoins and NAC Foundation Investments
Corey J.	\$111,500.00	AtenCoins and NAC Foundation Investments
Daniel H.	\$3,000.00	AtenCoins
John B.	\$35,000.00	AtenCoins
Judie H.	\$2,750.00	AtenCoins
Kasey L.	\$2,000.00	AtenCoins
Larry W.	\$1,000.00	AtenCoins
Lavern D.	\$90,000.00	AtenCoins
Michael W.	\$78,000.00	AtenCoin and CrossVerify Shares
Murray K.	\$875.00	AtenCoins
Paul M.	\$7,000.00	AtenCoins
Rene A.	\$150,000.00	AtenCoins
Richard B.	\$2,000.00	AtenCoins
Stanley D.	\$2,000.00	AtenCoins
Stephen E.	\$2,250.00	AtenCoins
Wayne W.	\$3,000.00	AtenCoins
<b>Total</b>	<b>\$851,646.51</b>	



**APPENDIX J****Restitution Exclusions: Post-Indictment Period Transactions**

<b>First and Last Name</b>	<b>Victim Report Amount</b>	<b>Post-Indictment Purchase</b>
Aharanoff D.	\$300,000	\$50,000 for AML Bitcoin, Dec. 2018
	<b>Total</b>	<b>\$50,000</b>

**APPENDIX K****Restitution Exclusions: Summary**

<b>Exclusion</b>	<b>Amount</b>
Duplications	\$34,701.00
Ben Boyer Transactions	\$1,105,000
Totally Unsubstantiated Claims	\$493,497.16
Claim Amounts Exceeding Substantiation	\$1,119,112.44
AtenCoin Purchasers/CrossVerify Investors	\$851,646.51
Post-Indictment Period Purchase	\$50,000
<b>Total Restitution Claimed</b>	<b>\$4,597,205.88</b>
<b>Total Exclusions</b>	<b>\$3,653,957.11</b>
<b>Remaining Restitution</b>	<b>\$943,248.77</b>